

Sol. Pamphlet 135.

A LETTER
TO THE
KING,
IN
JUSTIFICATION OF A PAMPHLET,
ENTITLED,
"THOUGHTS
ON THE
ENGLISH GOVERNMENT."

30 Jan. 1796

R. Cawthorne (J)

A LETTER

TO THE

K. I. W. G.

IN

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TO THE
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IN
JUSTIFICATION OF A PAMPHLET,
ENTITLED,
"THOUGHTS
ON THE
ENGLISH GOVERNMENT:"
WITH
AN APPENDIX
IN ANSWER
TO MR. FOX'S
DECLARATION OF THE WHIG-CLUB.

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1796.

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TO THE

K K W C

JUSTIFICATION OF A PAMPHLET

THOUGHTS



ENGLISH

AND A REPLY

TO MR. TOX

DECLARATION OF THE WHIG CLUB

IN A LETTER

TO THE EDITOR OF THE LANCET

AND

TO THE EDITOR OF THE TIMES

AND

TO THE EDITOR OF THE STANDARD

AND

TO THE EDITOR OF THE DAILY NEWS

AND

TO THE EDITOR OF THE DAILY TELEGRAPH

AND

TO THE EDITOR OF THE DAILY MAIL

AND

TO THE EDITOR OF THE DAILY EXPRESS

AND

TO THE EDITOR OF THE DAILY STAR

AND

TO THE EDITOR OF THE DAILY HERALD

AND

TO THE

K I N G.

"It is the Glory of a King to make and keep his Subjects happy."

SIRE,

THE production which I presume, with the greatest humility, to lay at your Majesty's Feet, has a modest claim to the Royal Ear, because it treats upon a subject which is extremely interesting to your Majesty's Government, at a period in which there seems to be a plot to undermine every Monarchical Government, and indeed to new model every Government upon the chaotic system of the French rebellion. As your reign

b has,

has, without a single exception, discovered the finest disposition and the firmest resolution to promote, not only the happiness of your Subjects, as the true dignity of the Throne, but the rights and security of Europe; it might reasonably have been expected that the happy Government of a Monarch so amiable and so just to all the world, would have escaped the pretence which is found for the subversion of the worst Governments: But, such is the phrensy of the times, that no distinction is made between the good and the bad; for, like the contagion of the body natural, the best and the worst are brought to a level upon a principle of EQUALITY, which destroys the beautiful order of things and endangers every thing dear to society.

Besides this general claim to the condescension of my Gracious Sovereign (a
claim

claim now wisely admitted by the most absolute Monarchs) I have a particular title to your Majesty's attention, from an event that places your Majesty in an awkward situation: I mean, SIRE, the motion of one of your principal Secretaries of State, adopted by the House of Commons, to prosecute one of your Majesty's best subjects, not for violating any law or injuring any authority, but for a publication that manifestly promotes principles of subordination which have rendered the most eminent services to your Majesty's Government. That very Minister has candidly acknowledged, that "The Nation owes the peace and security it now enjoys to the distinguished services of the Author;" and yet, with a strange sort of consistency, the Secretary of State moved the House of Commons to address your Majesty to direct a prosecution against him for a Pamphlet that

maintains the principles which have produced that great event at the most alarming period. Such an application to the Throne is, by the Minister's own confession, an act of great injustice to so meritorious a subject, and a great indignity to your Majesty's reign: It is, in my humble opinion, a cruel injustice to a subject so eminently distinguished for his services at the worst period, and as great an injustice to the illustrious character of your Majesty, which is as much the admiration of Foreigners as it is the pride of your Subjects.

A Monarch so well acquainted with the constitution of his kingdom, and so religiously attached to it, will immediately discover that your Majesty has no right to direct such a prosecution, nor the House of Commons any right to require it. If the Author has violated any Law,

or

or is supposed to be guilty of a Libel on the Constitution, your Majesty has no right to interfere. Your Government and the Laws of the Land are competent without the Royal interposition; Executive Government can, in the latter case, proceed without your Majesty's interference.

Having presumed to say so much in defence of an Author that I very much admire, and to whose eminent services one of your Majesty's principal Secretaries of State bears the most honorable testimony, by declaring that, in his opinion, "The Public owe the peace and security they now enjoy to him;" I may now venture, with the most dutiful zeal for your Majesty's Government, to say a word on the temper of the times, and the spirit of political contagion that pervades Europe, and which, making no distinction,

distinction, endangers the best as well as the worst Government.

But before I come to that interesting situation of things, I will take a transient view of your Majesty's reign. A spirit of party is interwoven with the Constitution, and inseparable from it. Opposition is the natural and indeed the necessary effect of a mixed Government: It is essential to a limited Monarchy: And if it exceeds the bounds of reason, it is a speck in the eye of the Constitution, which should be touched with a trembling hand. There have been two memorable periods in your Majesty's reign, in which the spirit of Party has exceeded its usual bounds: One during the unfortunate American war; and the other in the present war with the French Revolution. Both these events I shall defend in a few words upon principles of inevitable

inevitable necessity. All wars are in their nature calamitous, and to be avoided as a scourge to mankind; but, in these instances, they are justifiable as being inevitable. Such was the case of the American war; and such is absolutely the present case. The faithful historian will place these wars in a light that will do justice to your Majesty's reign: He will judge of them by their principles, and not by their success. The principle of the American war was just, though the end was unfortunate: No one will dispute the right of this Nation to contend for the preservation of her American Colonies, which were of so much value to a trading Nation. If an ineffectual struggle rendered it unpopular, it was occasioned, in a great measure, by the treachery of domestic foes who insisted on their emancipation, and the sacrifice of so valuable a part of your Majesty's dominions. That war
was

was conducted by one of the best Ministers of Europe : A Minister, who was an honor to human nature. The noble Lord possessed one of the ablest heads and best hearts in the kingdom. His talents and his virtues would do honor to any State and to any Age. Such was the character of Lord North, whose memory will be highly respected when the malice of his political enemies is forgotten, and the motives that gave it birth.

The present war with France is founded on the same principle of absolute necessity. To the honor of your Majesty's reign, you have manifestly been forced into wars against the strongest disposition to preserve the Tranquillity of Europe, and the Balance of Power ; in order that a check to the ambition of the strongest, may be a security to the weakest state.

The

The ambition of conquest has never influenced your Majesty's conduct. The love of mankind, and of substantial justice to promote a just *equilibrium*, has ever been your Majesty's ruling passion, and the great objects of your reign. It has indeed been said, that the present war is equally unjust and unfortunate: But I contend that, whatever may be the success, the principle is just and necessary. Should it be said that this Nation might have avoided it, and that Great Britain was the aggressor, I take the liberty to deny both. The Revolution of France rendered a war with this country inevitable, since the principles of that Revolution, were a declaration of war against every other Government. The aggression was not in the first open act but in the principles of hostility against all Europe, and a mad ambition to subvert every Government. There was no avoid-

ing a defence against such a political contagion, that has convulsed and nearly overthrown all Europe. Never was a war conducted upon better principles to preserve the Government and interest of this Nation, and the security of all other European States.

The security of Holland alone, was sufficient to justify the present war; and should it be said that object was once obtained, and that it was then time to make peace, I deny it; because there was no security for its preservation in the principles of the French unsettled Government. Whatever has been the loss of blood and treasure to this Nation, the justice of the war is clearly on the side of your Majesty's Government: And whenever your Majesty shall obtain the *Status quo* to restore the balance of power in Europe, your Majesty, even without
any

any compensation, will make a glorious Peace by the greatest acquisition,—the security of your dominions, which is invaluable. This shews that the present war is just and necessary, for without it this Nation and all Europe, would probably have been in the dreadful situation of France, without the power perhaps of recovering their dominions, their peace, and their property.

Considering then how great might have been the loss to this country and all Europe without a war, from the contagion of levelling principles, that war will be glorious, whatever may be the expence of blood and treasure, which procures a solid peace founded on the general interest and security of Europe, which have ever been the great objects of your Majesty's reign.

Having, with as much precision as possible, justified the foreign system of your Majesty, I shall now presume to speak of your domestic Government, which I equally admire. The principles which pervaded France could not fail of infecting this country, and so strong has been the infection, and so alarming the consequences, that it would probably have overthrown this Government as it has done that, but for your Majesty's wisdom. Strong measures have been found necessary, but nothing can be too strong to preserve the Peace and Property of the Kingdom. How fortunate would it have been, had such preventive measures been taken prior to the shameful riots of 1780, which disgraced your Majesty's Government, and threatened the very existence of the Nation.

Of the prosecutions for *fictitious* treason

I am

I am sure your Majesty ever rejoices at the acquittal of your subjects by the Laws of the Land: A Sovereign eminently distinguished for clemency and for all the virtues that adorn a Throne, is ever pleased at their restoration to society. The Bill against Sedition has been greatly misrepresented: The principle is excellent, and the operation of the Act will effectually destroy the contagion of revolutionary principles, and preserve the dignity of authority, and the tranquillity and property of the public, which without the security of that well-judged and well-timed measure, would all be absorbed in the vortex of anarchy and confusion.

What has therefore been done from necessity, the greatest of all Laws, to preserve the public peace from the terror of public incendiaries, has been well done

done and well-timed, and I think cannot fail of producing the happiest effects without those abuses of power, with which some men have alarmed the weak, and armed the restless against the necessary measures of your Majesty's Government. I am so well persuaded that all opposition to strong but necessary measures will soon cease, and that they will effectually suppress the conspiracy of misguided men against the authorities of the State, and the true interest and happiness of your Majesty's subjects, that I venture to anticipate my most humble congratulations to the Throne.

To witness this happy, this glorious event, by the restoration of good order and perfect security, I most fervently pray to the Almighty that your Majesty may long, very long, enjoy health and every blessing that Heaven can bestow!

With

(xv)

With this true loyalty, and sincere
devotion, I have the happiness to be,

S I R E,

Your Majesty's most dutiful,

And most faithful Subject,

JOSEPH CAWTHORNE.

*Greenwich Park,
December 26, 1795.*

With this firm belief and entire
devotion, I trust that I shall be able to
perform the duties of my office with
fidelity and success.
I am, Sir,
Your obedient servant,
JOHN C. AVTHOR.

JOHN C. AVTHOR.
Clerk of the Court.
New York, 1855.

[A]

JUSTIFICATION
OF THE
AUTHOR OF A PAMPHLET,
INTITLED,
“ *THOUGHTS ON THE ENGLISH*
GOVERNMENT. ”

Unfit I follow, where *he* led the way,
And court applause, by what I seem to pay.
Myself I praise while I *his* praise intend;
For 'tis some virtue, virtue to commend:
And next to deeds, which our own honor raise,
Is, to distinguish them who merit praise.

CONGREVE.

I REALLY do not know of any inquiry of the British Parliament, that is so little intitled to the admiration of the Nation, as the enquiry after the Author of this Pamphlet, and the hasty and unqualified censure of it. Our admiration of the dignity of the legislative and executive Powers of the State ceases, and

A

our

our feelings, as a free people, are alarmed at the ill-timed, impolitic, and unnecessary hue and cry after a publication that does not contain a single positive assertion unfriendly to the established Government of this Country: But, on the contrary, the ablest defence of the true principles of Government, and a most masterly exposure of the ruinous doctrines of factious men, who are hardy enough to publish that *"they are boldly animated at the prospect of the new, the sublime destiny that awaits their fellow creatures."* What that NEW and SUBLIME DESTINY is, which so boldly animates them, we cannot contemplate without the strongest emotion and the greatest apprehension for the security of Government. It has, however, received a severe check from this Author, who has been grossly misrepresented for his pamphlet, which has been so violently censured and rashly condemned *extrajudicially*, although it is a very sensible and temperate appeal to "the quiet good sense of the Nation," and has not the least resemblance to the eccentric doctrines

doctrines of *Paine*, who is an avowed Enemy to our Constitution: The work contains, in the passage that has given most offence, the speculative opinion of a well-known friend to our Government, who, it has been acknowledged by high authority, has contributed greatly to the support of its dignity, and to the peace and security of the Kingdom; and who, upon this occasion, writes theoretically, asserts well-known facts, and with great temper leaves the deduction to the public: A deduction that is not imposed like the strong and pestilent writings of *Paine*, but which appeals so gently to our understandings as to leave to the clear comprehension and unbiassed judgment of a well-informed, candid, and spirited Nation.

The conduct of Parliament, which should always be dignified and just, would in this instance deserve our pity, did it not too seriously affect the right of free-thinking, the liberty of the press, and the principles of our Constitution, of which

the Author's Accusers affect to be very jealous, while they themselves plunge a dagger in its very bowels, as I shall have more than on one occasion to shew.

The Parliament assumes an *inquisitorial* capacity, in this, as it has improperly done in other cases, which the House of Commons, as purely legislative, does not possess. It would be absurd in the extreme, to suppose that the power of representation, delegated by the people for legislative purposes, should constitute an inquisitorial authority over them for judicial purposes. It is perhaps the greatest beauty of our Constitution, that neither of the three Estates of the Kingdom possess an inquisitorial capacity, the second branch excepted, and that is a Court of Appeal from the judicial authority: It would be congenial with the system of an absolute Government were either the legislative or executive power to possess an inquisitorial jurisdiction. The idea is a *monstrum horrendum* in a free state: It is a gross perversion of the Legislature,
U commonly

commonly called the Constitution; and as gross a Libel on the judicial Authority, or the Laws of the Land: It is Treason against a Government that wisely keeps the authorities of the State asunder.

When the people delegate their constitutional or legislative rights, they do not invest their Representatives with any judicial authority whatever. And since they possess no jurisdiction but what they receive from their constituents, for the general purposes of the people, from what source do they derive an inquisitorial capacity? As they do not receive it from either the regal, or the executive, or the judicial authorities of the State, it is manifest that it is not derived from either the Constitution or the Law of the Land. That authority is therefore assumed by the Parliament, without deriving it from the nature of legislative delegation, or from the principles of the British Government. It is an arbitrary assumption of power, and such an usurpation

pation of power as plunges a dagger in the bowels of the Constitution.

It will perhaps be said, that this inquisitorial authority has been often exercised in a *high tone* by the House of Commons, which I admit; but that admission does not establish their right to it. On the contrary it shews, to the misfortune of the English Nation, and to the reproach of their Government, how often they have perverted delegation and representation by abusing their constitutional authority, which is purely legislative, not having any inquisitorial jurisdiction whatever over the public. Should *precedents* be against my opinion, I maintain that an assumption of power (unauthorised by the Constitution and the Law) at one period does not justify it at another; and that all power which is not fairly derived from either of those sources of a free State, may be justly and should be effectually resisted as usurpations dangerous to a system of national liberty; that is, as being violent

lent and arbitrary exertions, subversive of our Constitution or established Government.

The case of Dr. Sacheverel only tends to shew the temper and the principles of those times. In our history many instances of an assumed power, incompatible with representation and the rights and interest of the people, are to be found, but what do they prove? The corruption and prostitution of the *pensioned* Parliament of Charles II. is not the only instance of legislative perversion, and yet who will produce it as a precedent to justify the principle? What is *malum in se* cannot be justified in equity; and what is *malum prohibitum* is not to be justified in law.

But without going so far back, like Mr. Sheridan, to that unabashed reign when the Nation had a venal and prostituted Parliament, we have a recent case in point: A case that must fill every mind with horror, and all Europe
and

and Asia with astonishment. The case of Mr. Hastings, by which the House of Commons assumed an inquisitorial capacity, and the House of Lords a judicial authority, disgraced the Nation, and tended essentially to subvert the Constitution, under the pompous pretences of national equity and public justice. But a specious pretence does not always justify the act. Despotism has the fairest pretences, and tyranny the ablest advocates, and yet they are the greatest of human calamities. The whole of the proceedings in that case were, in my apprehension, a solemn mockery of justice, a FARCE more ludicrous than any thing in the works of Cervantes. The Commons erected a Tribunal, like a Catholic Inquisition, became informers and accusers, and brought their random charges before the House of Lords, which is not a Court of Justice in the first instance, that is, it has no judicial authority over the people but in cases of appeal. As these proceedings were not authorised by any power known to the
 Constitution

Constitution or the Laws of the Land,
so they ended as might be expected—
in fumo.

It is not for me to say there was not a mixture of great merit and some blame in the Asiatic administration of Mr. Hastings, as, from the imperfection of human nature, there must necessarily be in all administrations where there is great complication of business; and particularly in a high situation where much depended upon circumstances and upon his superior judgement for want of the beaten road of European Government; but I contend, that if he was amenable to any authority in Europe for misconduct in Asia (which I very much doubt) it was to the judicial, and not to the legislative power of his country. I am so clearly convinced that the Constitution and the Law have been grossly violated in this case, which was a trust from the East India Company, highly commended by his employers, and not a trust from the Nation, or in which the

Nation had any concern or jurisdiction, that I do not scruple to declare it to be my humble opinion, that Mr. Hastings has been unhappily and indeed cruelly robbed of his Peace, his Constitution, his Character, and his Property, by a prosecution totally unauthorised and unnecessary, and founded upon a dangerous assumption of power in the two Houses of Parliament: An assumption that is infinitely more alarming, as being more dangerous to the Constitution, than the speculative and harmless opinions of the Author of "Thoughts on the English Governments."

I have not made this remark so much in justice to Mr. Hastings, as in justice to the Constitution, which I think is abused under the fairest pretences to virtue and public justice, by assuming an inquisitorial power not congenial with legislation: A power that I apprehend should never be exercised by the legislative jurisdiction, nor admitted by a free people, be the pretence what it may:
For,

For, can any thing strike our minds with greater horror, as a free Nation, than the idea of a legislative Tribunal, like that of a Catholic Inquisition, hunting for witnesses, and examining them upon interrogatories to ground a criminal charge before an incompetent jurisdiction, instead of bringing the people fairly, in all cases whatever, before the judicial authority to which alone they are amenable for the purposes of truth and substantial justice. The most scrupulous advocate for the privileges of the Lords and Commons will not have the face to say, that the judgement of Parliament is according to the Laws of the Land, which require the judgement of the peoples' *Peers*.

Returning to the Author of "Thoughts on the English Government," whose Advocate I am proud to be, notwithstanding the hasty and strong condemnation of the House of Commons; I contend that this arbitrary assumption of power does, under a specious pretence of defending the

privileges of one branch of the Constitution, sap the foundation of the whole. There is infinitely more danger to our Constitution from the assumption of an inquisitorial capacity in that House, than in the speculative opinions of this or any other Author of equal delicacy and attachment to our Government; because the theoretical opinions of such enlightened men and good subjects are perfectly harmless.

The following passage, which is considered as the most exceptionable, is an illustration of this truth: "In fine the
 " Government of England is a *Monarchy*;
 " the Monarchy is the ancient stock
 " from which have sprung the goodly
 " branches of the Legislature the Lords
 " and Commons that, at the same time
 " give ornament to the Tree and shelter
 " to those who seek protection under it;
 " But these are still only branches, and
 " derive their origin and their nutriment
 " from their common parent; they may
 " be lopped off and the Tree is still a
 " Tree;

“ Tree; thorn indeed of its honors, but
 “ not like them cast into the fire: The
 “ Kingly Government *may* go on, in all
 “ its functions, without Lords or Com-
 “ mons; It has hitherto done so for
 “ years together, and in our times it
 “ does so during every recess of Parlia-
 “ ment.”

Here the facts are self-evident and
 the conclusion incontrovertible: But, al-
 though they are both as clear as any
 mathematical demonstration, they prove
 nothing. Indeed theory never does: Spe-
 culative opinions assert ideas that float
 upon the human mind without contend-
 ing for the necessity of their adoption;
 and therefore the proof of utility and
 expediency is left to the conviction and
 judgement of the public. *Englishmen* have
 an inherent and constitutional right (that
 is, a natural right secured to them by
 the nature of their Government) to
 speak of the principles and effects of a
 Government intirely monarchical, or an
 absolute monarchy; of the nature and
 tendency

tendency of Aristocracy; and of the principles and effects of Democracy; either separately, or as they are connected with a monarchical system, commonly called a mixed Government, or a limited monarchy.

In treating of these subjects, which so intimately concern all civilized human nature, the contemplation would be useless to civilization were they not to give an opinion, and leave mankind to consider which system is best adapted to the genius and policy of their respective States; namely, a Government intirely monarchical; a limited monarchy; or a republican Government. If Nations have made the selection, it does not preclude speculative opinions founded on the effects which their various systems have produced for the purpose of reconsideration and comparison. Human wisdom, which is often called public virtue, arises from that reflection which experience occasions. Human nature is ever, by the improvement of civilization, in
search

search of wisdom for its happiness and security. At one period this nation thought itself happy under the Stuarts; at another period that royal race was expelled from motives very different to those which expelled the Roman Tarquins: That Royal fabric, founded on the hereditary right of ages, became like "the baseless fabric of a vision." I do not here contemplate on the wisdom or folly of a nation, distinguished for justice, in expelling a whole race for the weakness of one prince whose folly could not, in reason, or by any human laws, incapacitate his Successors; but, after such a Revolution in the Succession, who will say, that the systems of the European Governments will preserve for ever their present forms *in toto*.

It is said that "this Country is allowed, not only by English but by the ablest Foreign Writers on the subject of Government, to enjoy the wisest and best System of Government in the known world." Were this national prepossession to be admitted, does it prove the infallibility

fallibility and immutability of our system? A constitution may be theoretically good and practically bad. As a proof of its superior wisdom we are told, that “the
 “Three different Estates of the Kingdom
 “are so constituted and so counterpoised
 “as to be mutual checks to each other;
 “and if any one link of the chain of
 “Government is to be destroyed, by its
 “being taken away, the whole System
 “must be dissolved.” This may be the opinion of one man and not of another: And I know of no Law, divine or humane, that can oblige me to be of this opinion if I am not convinced.

The three Estates, or branches of our Government, were certainly intended to be a check on each other, and were, therefore, so counterpoised as to produce that great, that happy effect; for in that check consists the beauty of our Constitution. Here I say nothing of the dependence of the second on the first Estate and the influence of both on the third, inconsistent with that intended check, which is the great object of the Constitution;
 but

but if this wise *equilibrium* is destroyed by the Commons assuming an independent Sovereign Power in all Money Bills (the very soul of Legislation and support of Government) what becomes of the mutual check so necessary to such a mixed system? If therefore that design is perverted; if the Commons encroach on the *equal* privileges of the other House of Parliament, and render its authority passive in the most interesting concerns of the Nation, does it prove the perfection and immutability of our Constitution? And if also the Commons, in a legislative jurisdiction, assume an inquisitorial capacity over the people, to examine and condemn them extrajudicially, how do “we enjoy the “wisest and best system of Government “in the world?”

It is said, that “if one link of the chain “of Government is removed the whole “system will be dissolved.” But as this is not a necessary consequence so it is not a just conclusion. A link in any chain may be removed without rendering the rest useless; nay, it may in this case, as in

other instances, make it stronger: For by removing the weak and useless parts, it will give solidity and permanency to the rest. It would, at one time, have been thought Treason to suppose the possibility of an alteration in the Constitution or Government of Scotland; and yet time, that changes the body politic like the body natural, has totally overthrown the scottish Constitution by a strange sort of an Union with England, which absorbed their Parliament and laid their independent Legislature at the feet of the English Government. I say strange because the Scots relinquished their Legislature and preserved their Jurisprudence: One would have thought that by being subject to the same Constitution they would have been governed by exactly the same Laws. I do not consider the effects of this Union, whether good or bad to the scottish Nation; but I speak of the event to illustrate my position that "all Constitutions or forms of Government are subject to change," for *what will not time produce?*

It is, therefore, the most preposterous
idea

idea in the English to account it Treason to dispute the eternity and immutability of their Constitution, which I have shewn, in two great instances, is perverted by the House of Commons. As well may they pretend to the infallibility of Members of Parliament, some of whom would discredit any Government. The Irish have perhaps the same notions as the English of the immortality of their Constitution, and yet it is probable that their Constitution, like that of Scotland, may in a few years be absorbed by an union with Great Britain. The end of all Government (*i. e.* the purpose of every Constitution) is not to perpetuate any particular system of this or that Country, but to make it as conducive as possible to the wisdom of the Laws and to the happiness of the people governed, for in their prosperity consists the dignity of the State and the energy of Executive Government.

And since vicissitude is the lot of imperfect human nature, may not a free people, who are not galled with the fetters of despotism and tyranny, venture to contemplate on the effects of the various forms

forms of Government, without "a breach
 "of the privileges" of any one part of
 them? I have as great veneration as any
 man for the system of Government which
 has been adopted by my country; but,
 great as my respect is for our Constitu-
 tion, I do not think it without great
 defects; not so much from it's original
 institution as from its abuse, arising from
 the sectarism of a free State, and from
 the force of luxury that pervades Europe
 and Asia.

If at that period of our history which
 is so improperly called the Revolution,
 men were more than ever lavish in their
 praises of a Government founded on
 three Estates of the Kingdom, namely,
 an union of the Monarchical, Aristocra-
 tical and Democratical parts, it was
 because they supposed the three branches
 of the Constitution would produce the
 greatest happiness to a free people, and
 the greatest security to liberty and pro-
 perty. They did not, however, expect
 this Constitution to be immutable, or
 the laws founded upon it to be infallible.
 Such an idea would be a libel on human
 wisdom.

wisdom. Time has indeed shewn the superiority of our Constitution over the other Governments of Europe, but it has also discovered its great defects, for where is perfection to be found? And as these defects are of great magnitude, can it be wondered that ingenious men should give an opinion how they may be removed, and the system of Government made more perfect, and, by consequence, more conducive to the dignity of the State and to the happiness of the people? And would it not be degrading to human nature and a libel on national liberty to maintain, that the exercise of our understandings on the principles and effects of Government, noways injurious to the Constitution and the Laws, is a breach of the privilege of any one branch of the Legislature? Such a charge, on so slight a ground, is not only the assumption of an unconstitutional authority in breach of the rights of the people, but it is treating a free people like a Nation of SLAVES.

I should be glad to know what privileges the representatives of the people possess over the understanding of their Constituents, that when we know the nature of them we may judge how they have been violated, and whether it was done intentionally or undesignedly, from an ignorance of this *divine right* of the House of Commons. This legislative bugbear, which is often held out in *terrorem* to the people, under the hideous form of privileges undefined and incomprehensible (the description of discretionary and omnipotent power) puts me in mind of the Catholic carpenter, who was required to worship the wooden image he had made: The carpenter knew what he had made, as the people know what they have created; and as the one had too much sense to worship the work of his own hands, so the other will have too much spirit to submit to the oppression of an authority of their own creating.

I have shewn that speculative opinions

nions on the Governments of Europe, even though they should glance at the defects of our own and suggest an *alteration*, is a manner of writing consistent with the liberty of the press, and with the inherent and constitutional rights of Englishmen: I have also laughed at the humiliating Idea of the Parliament in charging a Writer with a Libel on their undefined privileges, for exercising a right which ought not to be denied to the Subjects of arbitrary Governments. In the present case, which is perfectly harmless, unawed by the Author's high-sounding parliamentary Enemies, who prove nothing but the inconsistency of their principles and the strength of their passions, I am proud to be of his opinion; but, like that able Writer and good Subject, I submit it with the most becoming respect, as all Writers on our system of Government ought to do, to the superior, the liberal, and unerring judgement of the nation.

If my Author has alluded to any *al-*

eration in our Constitution, which consists of three branches, as an opinion of his own, he has the example of the brightest Men in the Kingdom who have at various periods boldly contended for a *Reform*. Does not that alteration so strongly insisted upon in both Houses of Parliament (which like the efforts of Sampson, endangers the whole fabric) come more within the description of a Libel on the Constitution, than the modest allusion of this Writer?

By explaining my own meaning, I wish to defend the sensible Author of "Thoughts on the English Government" from the treachery of some men, and the folly of others, who have unmercifully attacked an harmless man that speaks with diffidence what has ever been the opinion, and will ever be the wish of Government. There is, and I affirm it without fear of contradiction, not a single member of the present Cabinet who is not of the Author's opinion, whatever he may affect to the contrary.

contrary. Had I ten thousand pounds, I would stake the whole that it is the opinion *una voce* and the wish *ex animo* of the present Ministry, and indeed of every Administration.

The most exceptionable passage, which says that "the Government *may* go on "without Lords or Commons" is a truth not to be disputed; but how far that truth is consistent with our monarchical —aristocratical—democratical Government the Author has not shewn. We are therefore not to consider a transient passage, which will admit of a schism, but the context of the pamphlet which is the finest panegyric on good order and subordination; the happiest defence of Executive Government at this period of seditious quixotism; and the ablest refutation of the poisonous doctrines of Sectaries. As to the truth of the observation, let me ask whether Executive Government has not more energy and a better effect without the controul of Parliament? This truth alone ought to
silence

silence the Gentlemen in administration and make them quite ashamed of their proceedings against the unoffending Author, who, I contend, is strictly within the principles of the Constitution, and both the letter and the spirit of the Law, and who has a clear right to advance a speculative opinion, which does no more harm to this Government than it does to that of the Emperor of Morocco,

This inherent right of an Englishman is as clear as that of his Majesty (God bless and long preserve him) to the prerogatives of the Crown. It is therefore treason against a free state to say that the exercise of this right is "an high breach of the privileges of the people's Representatives." Should it be asked, who will dispute the wisdom of the House of Commons, that, like the judgment of God, have pronounced such a sentence *extrajudicially*? I answer; those who know that the Members of that House are no more infallible than other men; and

and who know also that they possess no privileges but what are necessary to the purposes of Legislation. For my part, I admire the modesty as much as I do the truth of the Author. He is manifestly under the influence of truth alone. He is no party writer: Neither the Slave of Power or the Tool of Faction. In his beautiful allegory, by which he happily compares our Constitution to a Tree, he says nothing invidiously of the *rotten* branches: He says, and he says truly, that a Tree disencumbered of its *useless* branches, will retain and increase its vigor and its beauty!!! But, although the truth in this comparison is not to be controverted, the effect on our Constitution is like that of a pop-gun, perfectly harmless to our invulnerable Government. It has however produced a *Miracle*. It has brought together the two opposite parties whose opinions of the Constitution are as different as the Poles are opposite. There are no two things in nature so contrary as the opinions of these two parties on the Constitution

tution of this Country, and yet they affect to agree in the present case!!! As one of the many proofs of their opposite ideas of the Constitution, take the following extraordinary instance, which will shew the folly of their agreeing even in this case: The one party, faithful to a great public trust, contends that "measures, as strong as the occasion requires, are necessary to preserve the authorities of the State and the happy effects of the Constitution;" while the other party maintain a solecism that "the means of prevention and preservation are conducive to its subversion: And that the purity of the Constitution cannot be better preserved than by rousing the people *en masse*, and arming their passions against Government"!!! Thus are the heterogeneous principles of avowed Enemies in unison! And thus are the public deluded by pompous proceedings and problematical public virtue.

To return, with the indignant feelings

ings of an Englishman from this digression: Parliaments may be necessary to grant the supplies, and when they are granted every thing else follows of course as naturally as the effect follows the cause. Whatever are the true designs of Parliaments (with which my Compatriots are too well acquainted for me to explain) their effects are a mere concurrence with the views and measures of Executive Government, which would have more energy, and, in my conscience I believe, a better effect without them. I do not know whether “the Author of Thoughts on the English Government” means as much as I have expressed; but these are facts not to be controverted either by the chicanery of Lawyers or the sophistry of Statesmen: And if they bring in question the *wisdom* of the Constitution or the *virtue* of Parliament, the Writer can only be criminated upon the horrid principle of a Scottish Lawyer, that “Truth is a Libel as well as Falsehood,

"and the greater crime for being a
"Truth."

That Parliaments are the mere *echo* of Executive Government, witness the great majority of the present Ministry: And that, after the supplies are granted, Government could very well dispense with them, witness the two Bills which have convulsed the Nation. Without that opposition, would not the energy and effect of Government be greater? This will ever be tacitly admitted by every Administration. Upon what principle then can the Ministry assist their worst political Enemies to sacrifice an Author of acknowledged merit, who says no more than they think and wish themselves, nor I believe half so much. To that opposition we may, without breach of charity, ascribe all the evils of the present day. To Members of that very Parliament which should preserve the Constitution, as the most sacred trust, we owe a political contagion that, like the pestilence of the body natural, endangers

dangers its existence. I am not a public Incendiary, nor the Assassin of the Rights of the People. I speak of facts which at this moment endanger the Government and threaten the total subversion of our Constitution. Influenced by truth alone, I have the courage to charge those facts to Members of the very Parliament which should prevent them; and who modestly complain of a little breach of their *imaginary* privileges, while they are making a greater breach in the Constitution.

The Duke of Bedford and his Compeers, and Mr. Fox and his Partizans, Members of the two Houses of Parliament, have boldly convened the great body of the people to assert rights they do not possess, and to maintain principles which are both repugnant to, and subversive of the Constitution: They have roused the great mass of the people, and have armed the passions of the multitude against the Government, and by so rash

a step they have plunged a dagger in the very bowels of the Constitution.

To shew the error and danger of such a delusive conduct, I maintain, that the collective body of this free state have no political existence whatever. By our form of Government, which is commonly called the Constitution, the public or community tacitly surrender, and as effectually as if it was done formally, their political rights in the Legislature to the constituent body, and they, to the representative body, not for the purposes of their Constituents in particular, but of the Nation at large. Hence arises universal and equal representation, as effectually as if every member of the community had a vote at the constitutional period of electing their Representatives, without the mischief of universal suffrage, so strongly and so erroneously contended for by the Duke of Richmond.

The people have an undoubted right to petition against grievances or measures, which

which they conceive to be subversive of their privileges and interest; but the nature of that right should be understood. Upon this important subject Lord Thurlow stated "the undoubted right of the people to petition the King, or either House of Parliament, upon any real or supposed grievance; and that was a liberty which he trusted would remain intire and unshaken by any restraint whatever." But that high authority does not explain the nature of that right nor what is meant by the people: The learned Lord is too well acquainted with our Government to say it means the Populace or the Nation at large, whose rights are wisely absorbed by a compression into a smaller compass. As the right of election is exclusively in the constituent part of the public, for the purposes of the whole, so is the right of petitioning confined to that body. And since the rights of the collective body are clearly and totally absorbed by the constituent power, so the *vox populi*, or the voice of the populace, can only be heard
by

by the Representatives of the people, through the only constitutional channel, namely, the organ of their Constituents. To talk of the rights of the people in general to assemble and petition the Legislature for supposed grievances, is talking like a madman; or, what is worse, like a public incendiary, who rouses the multitude, and arms their passions against the Peace and Government of the Nation.

Party-men are continually telling the Public that they have a right to petition the Parliament, in certain cases that greatly affect them, and *so they have*; but unless they tell them the nature of their right, that it is confined to the constituent part of the Nation, they may, as in the present instance, be led into such an error as endangers the public peace and the security of Government. The BILL of RIGHTS, which is a Bill *explanatory* of the rights of the people, means the rights derived from the nature of a free Government, and are confined to the constituent
body

body for the purposes of the whole ; and not the right of every individual to petition either the Throne or the Parliament, which would be attended with endless confusion, subversive of the tranquillity of the Nation, and the great ends of Government. The collecting of names to Party-Petitions, proves nothing in their favor, however numerous and respectable they may be for rank and property, unless they are from the constituent body of the people, regularly convened and constitutionally exercising their exclusive right to be heard by their Representatives. All other petitions, offered to the two Houses of Parliament, should be rejected as assuming a right which the Petitioners do not possess, incompatible with the exclusive right of the constituent body and the dignity of Parliament. The individual petition of Major Cartwright was a proof either of great ignorance of the Constitution, or great presumption, peculiar to the arrogance of party ; and the admission of that Petition was, as great an error in the House of Commons.

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The Duke of Bedford presented one to the House of Lords signed by 13,793 persons, inhabitants of London and its environs, agreed to at a Meeting near Copenhagen-house, Islington, in the County of Middlesex. The very description of the persons and the place of meeting, must shew the impropriety of admitting the petition, which is a Libel on the Constitution, and on the virtue and wisdom of the Aristocratic part of our Government. The Constituent part of the Nation in their *respective districts* of London, Westminster and Middlesex, to which the inhabitants belong, have a right to petition, but not the populace. If therefore the noble Duke, as a young Statesman, is not sufficiently acquainted with the vast difference between the constituent and the collective part of the people, if he does not know *where* they should meet, and *how* they should petition the two branches of the Legislature called the Parliament, the noble House, with so much experience, should shew its wisdom and regard to the true principles

ciples of the Constitution, by rejecting all petitions which have not a constitutional right to be heard; since the receiving of any other, in breach of the exclusive right of the constituent part of the public to be heard by petition, is an insult offered to the wisdom and dignity of the second branch of the Legislature. His Grace of Bedford, as a young politician, may be somewhat excusable for not possessing a perfect knowledge of the true principles of our Government; but Mr. Fox, who is a veteran in politics, is unpardonable for being guilty of Treason against the Constitution; for such must be the crime of any man, be his rank what it may, who can rouse the great mass of the people against the necessary measures of Government, without any real cause, or any constitutional right for their resistance. The Right Hon. Gentleman affects to preserve the dearest rights of the people while he takes the most effectual means to destroy them and the public peace, by sapping the foundation of the constitution, and bringing the

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noble edifice of legislative and executive authority to the ground.

This is a strong instance in point: It shews that the energy and effect of Executive Government would be greater without the *opposition* of Parliament, in which there is at present strong seeds of contagion and dissolution truly alarming to the Constitution; and for which there seems to be only one remedy, namely, a *resolute* Government, unshaken by the dangerous principles of false friends, and determined (with the blessings of heaven upon the best intentions and the ablest endeavors) to cure the wounds given to the body politic, and the alarming danger to the public security arising from the daring attempts of restless and designing men, who wish to overthrow the Government and dissolve the Constitution.

This instance, which impeaches the virtue and infallibility of Parliament, pleads forcibly in favor of the Author of
 “Thoughts

“Thoughts on the English Government:”

It shews that if his allegory throws a slight reflection, which probably was never meant, on two branches of the Legislature, inconsistent with the dignity of Parliament, it is but a transient glance, and perfectly harmless when compared with the greater indignity offered by Members of the two Houses to the Constitution, by advising the great body of the people to assemble and assert rights they do not possess; and the still greater indignity to the Nation, by assuming an inquisitorial capacity, and pronouncing a criminal sentence, contrary to the principles of the judicial authority, and in breach of the exclusive privileges of that jurisdiction,

Should the Author be found guilty after this *extrajudicial* sentence, by a *competent* authority, of a “Libel on the privileges of Parliament,” the same authority that is competent to his conviction cannot avoid, from principles of substantial and impartial justice, finding a part

of the two Houses of Parliament guilty of a more "malicious, scandalous, and seditious Libel, tending to create jealousies and divisions among His Majesty's subjects, to alienate their affections from our happy Government, to subvert the true principles of our free Constitution," by rousing the great mass of the people, and arming them with unconstitutional and alarming resistance to the necessary measures of the Legislature.

I do not say, neither does the Author of "Thoughts on the English Government," that the branches which are either corrupt or useless *should* be lopped off; but I maintain that we have a right to say they *might* be lopped off without impairing the Constitution; nay, I may go further and say the event would, in *my apprehension*, give life and vigour and energy to the Constitution of the body politic. Right or wrong as the idea may be, I contend that, as the subject of a free state, I have

have a right to the opinion, and that there exists no constitutional or legal power whatever to deprive me of its utterance. The sensible and *cautious* Author of the above pamphlet advances a speculative opinion and leaves it to the judgement of the Public to accept or reject it as it may strike their minds: But were one half of the Nation to think exactly as he does in that respect, it would not prove any thing to the injury of the Constitution; and where there is no injury intended or effected there can be no crime for the cognizance of any authority whatever.

Is there a man of letters in the Kingdom that will dispute the facts as slightly stated by the Author? Is there any criminality or culpability in stating facts which are as manifest as any mathematical demonstration? But it will perhaps be said that if there is no harm in relating historical facts there is mischief in drawing conclusions dangerous to the existing *forms* of Government.

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In some cases it may be true, but not in the present instance; since what the Author says is as harmless as it is true. Indeed the Writer of the pamphlet intitled, "Thoughts on the English Government" could never think of making an unfavorable and lasting impression by the passage which has given offence, for he but *gently skims upon the surface*.

But were he supposed to be guilty of any crime against either of the three branches of the Constitution, he is subject to the Laws of his Country and amenable only to the judicial Authority. The unauthorized conduct of the House of Commons in this case is truly alarming. It erects itself into an Inquisition and pronounces judgement in its own cause, contrary to the principles and practice of every Court of justice. It usurps the power of the judicial jurisdiction and offers a much greater indignity to the privileges of that authority than the Author has done to the privileges

leges of Parliament: so that while they, in a proud imperious style, censure and condemn by means of informers and extorted interrogatories (the very bane of a free state) and prepare to prosecute an useful Individual for a small fault, they commit a much greater one themselves against the principles of the Constitution and the authority of the Law. *He* exercises the right of an Englishman to advance a speculative opinion the most harmless, while the Parliament by which he is accused, usurp a dangerous power and in the true spirit of usurpers pronounce judgement in their own cause. They condemn the accused, unheard by Council, and send their condemnation to the other House of Parliament which is equally concerned in the charge for confirmation and punishment * !!! Are these the admired principles of our boasted Constitution, superior to all other Governments in Europe, or are they the rash and violent principles of usurpation and error?

* It was then intended to be brought finally before the House of Lords.

If Ministers could, for a moment, be influenced by the trash which their Informer has published, they would deserve to be pitied as much as he is despised for his treachery, servility and ignorance. *Miles* discovers the principles of a Parasite. It would be doing too much honor to the nonsense of such a sycophant to take any notice of it. The abilities and principles of the Author of "Thoughts on the English Government" will be respected when such a man is totally forgotten. If the talents and public merit of these men were compared, how great the inequality!

"——How much alas,

"One man another does surpass"!

The three letters published with the signature of *William Miles* to Mr. Pitt and Mr. Reeves prove him to be capable of all the treachery and servility of a political Pander. The betraying of private con-

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fidence is thus beautifully described by the Poet:

So gentle Truth does her fair Breast disarm,
And gives to Treachery a Power to harm.

“Such doctrines,” (says he) “as are advanced in this pamphlet have a direct tendency to mischief, to alienate the affections of the people from His Majesty and his Government.” This is the rash assertion of an ignorant sycophant, since there is not a word in the whole work that has the least design or the slightest tendency to produce that effect: nor is there a libellous expression against His Majesty or his Government to be found in the whole production; but, on the contrary, the true principles of subordination, and the true means of promoting the dignity of authority, and the happiness of the people.

This Informer has the impudence and folly to say, that “if Ministers discharge their duty they must discourage

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“the publication in question.” Were they to take his advice it would not prevent its spreading: Being condemned by authority it would be the more sought after. This is already the case, for a pamphlet which sold at two shillings has since been sold at five shillings from the interposition of Parliament. Nor did ever any Government that practised impolitic severity get any thing by it but infamy to itself and renown to those who suffered under it.

I am therefore of a different opinion, for two reasons, namely: One, because in a design highly flattering to the true principles of the Constitution in Church and State, and manifestly conducive to the public peace and the security of property by the overthrow of sedition, there does not appear to me to be any thing in the whole production offensive to Government on which to ground their interposition; the other because the time employed, at this critical period, in persecuting an unoffending

unoffending Individual would be better employed against those great Offenders in both Houses of Parliament, who preach Treason and invite Rebellion, by investing the great mass of the people with an unconstitutional right of assembling to endanger Executive Government, and subvert the constitutional Authorities of the State,

Parliamentary offenders have manifestly, and to the reproach of Government, been guilty of *more* than “a seditious and scandalous Libel, tending to create jealousies and divisions among His Majesty’s Subjects, to alienate their affections from our happy form of Government, and to subvert the true principles of our free Constitution:” *Their* conduct, in misguiding the people, and inviting their resistance to the most necessary measures of Government for the public security, being not only a high breach of the exclusive privileges of the constituent power of the people,

but an act of Treason against the Constitution.

How very strange must it appear to the admirers of the English Government, to find that the Parliament is eager to censure and punish *extrajudicially*, an Author for an harmless opinion, while some of their own Members in both Houses, maintain opinions the most injurious to the Constitution, and the most dangerous to Executive Government with impunity: Opinions which, at this moment, endanger the public peace, and may be attended with the most melancholy consequences. In my apprehension, Executive Government acts pusilanimously in both cases: Pusilanimously in pursuing an harmless individual, who has been, by their own confession, remarkably useful to them and to the Nation; and pusilanimously, in not pursuing the greater enemies of good order and necessary Government. In the latter more than in the former case. “Ministers, “if they do their duty, will discourage “the

“the disorder,” which is as dangerous to the body politic, as pestilence is to the body natural. In that case the conduct of opposition is, as I have observed, *more* than “a Libel, tending to create “jealousies and divisions among His “Majesty’s subjects,” it is treason, tending to subvert the true principles of our Constitution or established Government.

In the opinion of the late Earl of Chatham, “it should be the pride of an “Englishman to think that the Constitution of his Country can never die.” I, as an Englishman, sincerely wish that its principles may have immensity for their space, and eternity for their duration. But, notwithstanding the sincerity of my devotion, and my ardent wish that the Constitution may be immortal, I do not think that human wisdom is infallible, or human institutions immutable. It would be an indignity to the human mind, nay, it would be an impiety to think so. The Constitution is no more immutable, than the Laws of the Land are infallible; and the

the same reasons that are assigned for the improvement of the one, may be adduced for the greater perfection of the other.

When the wisdom of ancient and modern nations fixed, on a system of Government, they did not engage for its immutability. Every period has been sensible of the uncertainty even of the wisest human establishments. Hence the alterations and revolutions in Government! As Nations grow enlightened by experience and reflection, they will adapt their Constitutions and their Laws to the wisdom of the age in which they live. No man will contend that our Laws, which are either abrogated, or in some shape or other altered every session, are infallible: Nor will any man in his senses contend, that our Constitution, excellent as it may be, is immutable. The present system of limited Monarchy divided into three branches, concurring in public measures, I shall admire so long as it is not abused; but whenever, as in the present and many other instances, either
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of the component parts, usurp an authority, and exercise it incompatible with their share of the Constitution, by converting a legislative into a judicial authority, in breach of the rights of the people, which are of more consequence than the assumed privileges of their Representatives, then I shall not do homage to that usurpation. Convinced that a Government described as King, Lords and Commons, is as subject as any other to vicissitude; I shall think like an Englishman, and shall contend that experience teaches the necessity of supplying the imperfections of the Constitution, as well as the inefficiency of the Law: And the cure of these defects in our Government, is, I believe, all that is meant by the modest Author of "Thoughts on the English Government," who has not said a single word against the omnipotence of Parliament, but only says, that the unnecessary branches of a tree may be lopped off without any injury to the trunk.

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He is indeed accused by Party-men, who feel extremely sore of maintaining, that, AN INDEPENDENT HOUSE OF COMMONS IS NO PART OF THE ENGLISH CONSTITUTION" though not a single word of that quotation is to be found in the pamphlet. *Stage trick* may have the intended effect, but this trick of party, to impose on a candid and liberal Public, offers an insult to the understanding and justice of that part of the Nation who have read the publication, and who will find that, although the well-informed and temperate Author has happily exposed the folly of men who talk so much about the Constitution and the Revolution, he has said very little about the Parliament. Mr. Sheridan is not more unfortunate in this misquotation, and his misrepresentation of the Author, in this instance, than in the precedent he found in the reign of Charles II. Does he mean to compare the profligacy of that reign with the virtue of the present? Or does he mean to compare the treacherous conduct of the pensioned and prostituted

tuted Parliament of that unabashed period, to the disinterested wisdom of the present Parliament?!!!

If he wishes for a precedent in this case, he should look for one subsequent to the period called the Revolution, a period which should bury in oblivion all acts of injustice and oppression. That period should be considered rather as a *Renovation* of our Government, than a *Revolution* in it, for my Author has ably and clearly shewn it was no Revolution at all. A Revolution is occasioned either by foreign conquest, or domestic subversion of the former system of Government, neither of which happened at that period. The emancipation of North America, and the overthrow of the monarchical Government in France, were Revolutions, but I contend that the English had no Revolution in 1688, nor any thing like a Revolution: Since they had the very same monarchical Government at, and subsequent to that period, as before it.

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If the English Nation sent for a Dutch Prince, and placed him upon the Throne instead of the Royal House of Stuart, and if they thought proper to expel the ancient and hereditary Princes of that illustrious House, and call it the abdication of James II. which went to the expulsion of the whole race for the weakness or folly of one Prince, did that exchange of their own Princes for a Dutch Officer,* without any alteration in their Government, occasion a Revolution, which implies a total subversion of Government, like those great events in America and France?

As a proof that the year 1688 produced no Revolution in this country, let me ask any Englishman whether the people did at that period *revolt*, as in the above instances; or whether they exchanged or in any manner altered their

* The Stadtholder called the Prince of Orange, as Captain, General, &c. is the first Civil and Military officer of the Batavian Republic.

system of Government? Was not their Constitution or established forms of Government the same before as subsequent to that period? The Bill of Rights was indeed, like the Revolution, supposed to be an acquisition, but it was, in reality, none. It was nothing more than a Bill *declaratory* of the peoples' rights: It was no concession whatever; but an acknowledgement of what they were *ever* intitled to, from the nature of a Monarchy limited by Laws. The idea therefore, of "supporting the CONSTITUTION according to the principles of "the GLORIOUS REVOLUTION of 1688," is a palpable absurdity in so great a Lawyer as Mr. Erskine; since we had absolutely no Revolution at that period, nor were any new principles established at that time.

If it is folly to call this event in 1688 a Revolution, which had absolutely nothing of the nature or effects of a Revolution in it; it is equally absurd to speak so much of the glorious memory

of our great deliverer King William. That Prince did no more than was natural to preserve the Crown which had been given to him either by the caprice or generosity of the English Nation. He is stiled our great deliverer, but I am at a loss to conceive from what danger he delivered this country? My Author is therefore perfectly right in assigning to these events their true motives, and describing them by their true names. In doing this he acts like a faithful Historian, and for the truth he modestly appeals not to the passions and prejudices of party, but to "the quiet Good
"SENSE of an enlightened Nation."
Eminently distinguished for candor and liberality,

Here I desire leave, in imitation of this sensible and well-disposed Author, to observe that if the English Nation wish for a memorable period, equal to any that foreign States can boast of, instead of imaginary Revolution let them felicitate themselves on the Honoverian Succession,

Succession. That indeed was a great,
 a glorious event; since it will be ac-
 knowledged, with pride and national
 gratitude, that the Princes of that il-
 lustrious House have understood the
 principles of civil and religious liberty,
 better than any that have sat upon
 the Throne of this Kingdom. From
 that *era* the English should date the
 security of their liberty and property.
 It should therefore be commemorated
 as the most glorious event; which, with
 the blessings of Providence upon the
 Brunswick race, will have immensity for
 its space and eternity for its duration.
 That event has been truly glorious.
 At no period of our History have we
 seen the Sovereign Power give such
 proofs of attachment to the true prin-
 ciples of our Government as since the
 Hanoverian Succession. The virtues of
 the amiable Monarch now on the throne
 deserve immortality: His Majesty will
 be classed, by the faithful Historian,
 with the immortal Roman who was
 both the admiration of his own Empire
 and

and *the delight of Mankind*. Let us then forget the folly of an imaginary Revolution and commemorate with raptures the glorious Succession of the House of Brunswick, which has realized and secured the true principles of civil Liberty.

These great truths upon Record lead me to my Author's ideas of a monarchical Government, which are too loose to merit the exception taken to them. Although the Parliament affect to be very tenacious of their privileges, it is evident, from our History, that the Commons have incroached greatly on the prerogatives of the Crown and the privileges of the Peers. "As soon as the Lords and Commons met" (says Rapin) "in two different Houses or distinct Chambers, the Commons looked on themselves as the *sole* genuine Representatives of the people by whom they were chosen; and in process of time were considered as Guardians of the principles, liberties, and depositaries of the Kingdom. Hence the Commons,

" as

“ as Representatives of the people, claim
 “ an incontestible right of laying taxes and
 “ granting money to the King, in which
 “ case the Lords have no other power
 “ than barely acceding to the bill in
 “ question or rejecting it without altera-
 “ tion or amendment. And so tenacious
 “ are the Commons of this exclusive
 “ right that they would reject any money
 “ bill that was in the least altered by
 “ the House of Lords.”

Hence it is manifest that our Govern-
 ment or Constitution has ever been mo-
 narchical except when it was subverted by
 Cromwell; and that Parliaments were
 nothing more than appendages of a
 Monarchy, limited by law, which are
 suspended *durante bene placito* of the Sove-
 reign, who having the supreme power
 of calling and dissolving them, many in
 my apprehension, totally dispense with
 them without any injury to the Consti-
 tution or good Government of this Coun-
 try. This is my opinion, other persons
 have a right to think otherwise accord-
 ing

ing to their conviction. I do not wish to make Converts, but I claim a right to think according to the conviction of my own mind.

Why the Commons consider themselves as the *sole* Guardians of the people and the Depositaries of the Kingdom, I cannot conceive, consistent with the equal share of the other House of Parliament; nor upon what principle of Legislation they can claim an exclusive right to Money Bills unaltered, because they originate with them, is beyond my comprehension. It is a solecism in the Legislation of a Free State incompatible with the equal rights of the two Branches of the Constitution, called the Parliament, to promote the dignity of the Crown and the interest of the people.

The House of Commons have always had high notions of their privileges; and although they are all derived from the people and exercised in their name, and for their purposes, they have, in many instances,

instances, pretended that the people had violated their delegated privileges by disputing their omnipotence. Thus the power delegated assumes an authority over their Constituents and become a sort of Sovereign Subjects! This is a solecism in our Government arising from the pusillanimity of the Public in submitting to the assumed inquisitorial capacity of their Representatives in the Legislature.

Upon the whole, the Constitution of Parliaments, like other Constitutions, has its good and its bad qualities, its uses and its imperfections. Its good qualities are its *legislative* attention to the true interest of the State and to the true ends of a monarchical Government; its imperfections are its inquisitorial capacity, by which they usurp a power over the people which was never delegated to them, and which is incompatible with delegation and representation, and a breach of the exclusive right of the judicial authority of the Nation. These incroach-

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ments; under pretence of preserving imaginary privileges, may one day rouse the people to throw off the yoke of oppression; and when they are emancipated from the fetters of the very power which they have created and which exists solely from their authority and for their purposes, it will perhaps be considered how far Parliaments are necessary to a monarchical Government?

In the present case the very proceedings of the two Houses of Parliament justify a reflection on the utility of them: They get entirely out of their own jurisdiction—they usurp another for the purpose of coercion—they arbitrarily send for whom they please, to examine them upon interrogatories, like a Catholic Inquisition—they seize a man's papers and imperiously charge his own servants to give evidence and produce his own papers against him. And this glaring usurpation of authority and violation of every principle of jurisprudence and justice, is under color of defending the *imaginary* privileges

privileges of two branches of the Legislature, which I contend the Author of "Thoughts on the English Government" has not half so much injured as they have in the present Session injured the exclusive right of the constituent part of the public, and, by consequence, the principles of the Constitution.

Were I capable of advising Ministers, it should be to turn their mistaken and misapplied vengeance against that unoffending Author, and defend the sacred principles of the Constitution which have been violently attacked by Members of Parliament. The vengeance of the Law should fall on those who endanger the Government by the worst principles and the most alarming attempts to subvert it:

"——For justice bears the arm of God,

"And the grasp'd Vengeance only waits his Nod."

CAWTH.

It is a melancholy proof either of the

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imperfection or abuse of our Constitution, that Members of the two Houses of Parliament can be so solicitous to pursue and punish the Author of "Thoughts on the English Government," while they are, at the same time, infinitely more criminal by rousing the multitude and arming them with mistaken rights and strong prejudices against the most necessary measures of Government, taken for the peace and security of the Nation. Should he be rashly punished, and they escape a legal punishment, it will put me in mind of the sarcastic observation of Sir Samuel Garth:

"Little Villains must submit to Fate,

"While greater Rogues enjoy the world in State."

The defence of this Author's pamphlet, which I very much admire, gives me a fine opportunity to bring a more serious charge against his Accusers, who affect to be jealous of a Sprig of the Constitution while they lay the axe to the Trunk.

Many

Many are the instances in which the House of Commons have assumed an high toned inquisitorial capacity, and claimed the right of the Civil Power to commit, and of the Judicial Power to examine witnesses and pronounce judgement on those who have incurred their displeasure. I cannot think the framers of our Government meant this tyranny! No: The Parliament usurp an authority which the Constitution never intended they should take. In every instance therefore, that has come to my knowledge, I have advised disobedience to an assumed authority that violates our Law and abuses our Constitution. I have great respect for the component parts of our Legislature, but I respect them in the exercise of their functions and not in the abuse of them. Whenever the people are supposed to offend they are amenable to the Laws of their Country and not to any one branch of the Legislature, not even to the King who is the supreme part of the Constitution and the Law, being at the head of the Church and State.

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The inquisitorial authority exercised by the Privy Council, or Executive Power, and by the House of Commons, as a legislative Power, are gross violations of the Constitution and encroachments upon the privileges of the people. The case of Mr. Hastings was a pompous nothing: It was a Libel on the justice of this Country, and Treason against the Law: For under color of justice *from the Laws of this Nation* the Legislature usurped the jurisdiction of the judicial authority, the only power to which Englishmen are subject.

Another recent instance must fill every mind with horror and every breast with indignation: I mean the abominable report of the Secret Committee to prejudice the minds of the Public at large, and the Jury in particular, who were to sit in judgement with minds totally unbiassed against men *illegally* apprehended upon a *fiction* charge of Treason. These proceedings were atrocious and abominable; they were a gross perversion of our mild Laws and a gross Libel on our boasted

boasted Constitution, or the reputed mild and liberal Government of this Country. I do not mean to be an Advocate for men, who, under the most alarming circumstances of the Nation, from foreign War and domestic Commotion, were charged with seditious practices to increase the ferment and endanger Government; but I wish to mark with strong reprobation, the high toned conduct of the House of Commons, in exercising an unconstitutional authority and perverting their jurisdiction for the purposes of injustice and oppression.

If we would wish for virtue in a Nation we must look for it in the nature of its Government. But what must we think of the nature of that Government which can concur in such an abuse of Parliament and such a perversion of Law and Justice? And what must we think of a Government that can join its worst Enemies in the prosecution of an harmless Author, while his very Accusers are guilty of a greater crime? An Author
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who discovers better talents and principles for Government than many Secretaries of State that I have known. An Author whose historical knowlege and whose application of political facts and principles in Church and State are indeed admirable; whose temper is almost without example; and whose just remarks on the Constitution are as important as they are true; and shew, much to his honor, that he has a clear head and an excellent heart, untainted by the passions of Party. He writes like a Gentleman and a Scholar; like an able and impartial Historian; and like a temperate and wise Statesman; stating great historical facts that are indisputable; and drawing the foudest conclusions which are the finest political Lessons, and cannot be too much admired at the present period in particular by our Government, that is, by all the Constitutional authorities of the State; for his Pamphlet is indeed an able defence of the true principles of His Majesty's Government in Church and State.

Whoever

Whoever the Author is he deserves a statue or *busto*. He is indisputably the most temperate, argumentative, and persuasive political writer of the present reign. The pamphlets imputed to the late Lord Chatham are full of fire, and are written in the bold language of party for particular purposes, and are therefore only calculated for a particular period, like most short-lived political productions; but this modest appeal to "the quiet GOOD SENSE of the Nation" is adapted to all times, and may, if our Government continues so long *unaltered*, be read with as much satisfaction a THOUSAND YEARS hence, as at present, for truth is powerful and will ultimately prevail over the chicane of Lawyers and the sophistry of Statesmen. The noble Earl was a popular orator, and distinguished for the nerves attic salt and rapid eloquence of *Demosthenes*, as justly as his second son is for the sweetness and profusion of *Tully*; but, although their superior eloquence charms superficial men, and gratifies the human ambition, it often fails

of producing the desired and great effect, I mean the *persuasion* which this well-informed and well-disposed Author, produces on the minds of the candid reader, who is open to conviction, and under the influence of truth alone.

This Pamphlet, though censured and condemn'd by Parliament, and even by the Government it so ably defends, deserves to be written in characters of gold. There is indeed one slight passage on Monarchy, which may, with a little alteration, be better explained by the Author, and which no man is better qualified than himself to do, to take out the sting of malice. Taken in its true sense it is unexceptionable, but perverted by the party passions of some men, and the ignorance of others, the meaning may be twisted to the discredit of the Author, and to the purpose of his enemies.

The production finely exposes the tricks of Party, that is, the hypocrisy of sectaries in Church and State: It

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CUTS SEDITION AND TREASON UP BY THE ROOT, and produces the finest defence of Government that has been produced by any pamphlet of the present reign. But I beg the Author's pardon for my inability to do justice to his well-timed and temperate appeal to "the quiet good Sense of the English Nation," which deserves the pen of a JUNIUS, divested of the party motives of that admired writer. In that respect our Author is superior to him, for his "Thoughts on the English Government," though manifestly intended as a *hasty sketch* of a greater design, is the most masterly production of the size that I ever read upon our Government. He is evidently inspired by truth, totally divested of party passions, and the prejudices of sectaries in Church and State, and nobly animated in the cause of his country for the security of His Majesty's Government, by exposing the puritanical principles of modern *Jacobins* who, like the puritans of the church, tend equally to sedition and rebellion, and

equally strike us with horror from the ruinous effects of their restless spirit and poisonous doctrines.

And yet, from that fatality which often attends the noblest works and the greatest Generals, this excellent publication is condemned by the unnatural union of the Ministry and Opposition in Parliament. That the Ministry should join their worst enemies for such a purpose, is indeed extraordinary, as I have said it contains the most able defence of His Majesty's Government, and is calculated to render the most eminent service to good order at this period, in which the populace are running stark mad after the delusive principles and dangerous designs of party orators; but I do not wonder that Opposition should take the alarm, and persecute the Author for so ably exposing their designs, and so effectually refuting their seditious and mischievous principles. The Author is highly deserving the thanks and protection of Government, and of all the hatred and

malice

malice of Opposition, for his inimitable Pamphlet, which is a Libel on the immaculate Whig-Club, and Treason against the factious principles of sectaries in Church and State. The production is, at this season of delusion and schism, invaluable.

Whoever would overthrow the liberty of a free Nation, must begin by subduing the liberty of the Press. All *weak* Ministers have been loud in their complaints against the Press, and always have restrained and endeavored to restrain it. In consequence of this enmity to the Press, they have brow beaten writers, and punished them violently *against law*. Every method has been put in practice to check the spirit of knowledge and enquiry. But, in the present case, the information is truly flattering to Government, and of infinite service to administration, and therefore it is the most extraordinary, as well as the most unusual event, that the Ministry should join their worst enemies in censuring a production

duction so useful to them, and so injurious to the party in opposition to their measures, at this period of delusion and infatuation in which the daring efforts of faction, like the pestilence, threaten the very existence of Government.

Although no man is more attached than myself to what I conceive to be the true dignity and interest of Executive Government, yet I am more attached to the Constitution; that is, to the whole than to any particular part of our Government. I was therefore the person who advised the disobedience of the Printers to the House of Commons, because that branch of Legislation has absolutely no inquisitorial jurisdiction, but over their own Members. I also glory in having been the only person who, out of doors had spirit enough to oppose the farcical proceedings against the late Sir Thomas Rumbold, from a conviction that the House of Commons has not (as Mr. Fox admits) any inquisitorial capacity over the public. The Peers indeed, have
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an inquisitorial power as having both a judicial capacity (by appeal) and a legislative one; but the Commons have not any, as being solely legislative, from the nature of delegation and representation; and in no case whatever can it be inquisitorial, but in regard to their own Members. The many precedents to the contrary, are so many instances of an assumed power usurped by the House of Commons, and exercised in breach of the rights of the people, and the privileges of the judicial authority, or the Laws of the Land.

As I deny this inquisitorial capacity to the whole House of Commons, so I condemn it *in toto* in the Secret Committee, who were by the House vested with an authority which I do insist the Commons have not a right to give, because it is a power by them usurped, and which I hope will be opposed by my fellow citizens with as much spirit as I have ever opposed, and shall ever oppose it, as a discretionary power, not authorised

rised by either the Constitution or the Law, and consequently an alarming violation of the legislative and judicial authorities of the Nation.

We have a memorable instance of the folly of the House of Commons, in imposing upon the public, an authority which does not belong to them, and the pusillanimity of the people in submitting to it in the virtuous and spirited conduct of a patriotic Chief Justice of the King's Bench. The Commons having made him an *authoritative* requisition, his Lordship returned for answer, that "if the
"SPEAKER came with the whole House
"of Commons in his belly, he would
"send him to Newgate." That honest incorruptible Judge, would not have suffered the assumption of a magisterial or inquisitorial authority under any pretence, but by the civil and judicial powers. To shew the supremacy of the Law, in cases that affect the liberty of the subject, the Chief Justice would not have had the least hesitation to commit any persons, without

without regard to their stations, who had exercised an improper authority over the people. In the case of Wilkes, the complaint was against the illegality of the warrant from the executive power, which has no inquisitorial capacity, though it has been often exercised by the Privy Council, and God forbid it ever should: For whenever the executive is armed with the civil authority, as in absolute States, our Government, like theirs, will be arbitrary; and we shall lose all the blessings of liberty, which we now happily enjoy under a most excellent Sovereign, who deserves, equally with the immortal Roman, the glorious character of *humani generis deliciae*.

Nor can the Parliament give to Administration a power they do not possess themselves; an unnatural and dangerous power in the hands of either the legislative or executive parts of Government, subversive of the principles which are understood by the Constitution. God forbid that the inquisitorial power of

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jurisprudence should again be misplaced! It was indeed assumed and exercised by the STAR CHAMBER, but that usurped and arbitrary authority, with all its horrid principles, has long been happily abolished; because it was of the nature of a Catholic INQUISITION, and not congenial to our jurisprudence. The Constitution of this Country has made a wise distinction between the functions of the legislative, the executive, the civil and judicial powers, and on their total separation, depends the security of civil liberty. The doctrine of interrogatories imposed by the usurpation of Parliament is the doctrine of a papish Inquisition.

Interrogatories, in every case whatever, are to be resisted, because they are not congenial to the Constitution and Law of the Land. They are founded on the unfair principles of absolute and arbitrary Governments. There cannot be a stronger argument against the horrid doctrine of *interrogatories* than the express prohibition of self-accusation, to which interrogato-
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ries, those especially of an assumed power, lead the accused. And such is the glorious bulwark of our Constitution and Law, that the legal authorities are charged to admonish the accused, *not to say or to bring any thing in evidence against himself*. So humane is the Constitution, so tender is the Law of a free people, even in the most criminal situation! So abhorrent the doctrine of INTERROGATORIES to a free Nation! It is the arbitrary doctrine of despotism.

If it be a noble, a God-like principle of our jurisprudence, that no man shall accuse himself; it is equally a principle of our Constitution, that his papers shall not be seized to bear witness against him. Such a *surreptitious* and violent method of obtaining evidence, so contrary to the principles of our Constitution and the spirit of our Laws, is an arbitrary act congenial to an absolute and tyrannical Government.

I have no hesitation to say it is a gross

PERVERSION of two Estates of the Kingdom, neither of which has an *inquisitorial* capacity, nor can either assume such a capacity, without violating the existing Laws, and being guilty of *Treason against the Constitution*; a crime that is infinitely worse than a breach of the privileges of Parliament complained of, which being undefined, those two branches of the Legislature have, in too many instances, shaped the Constitution to their pleasure, and bent it to their purposes. This is the language which truth inspires and public virtue animates. It has, nevertheless, been observed by an ermined sycophant, that such bold truths tend to bring into discredit the two Houses of Parliament. Perish the Judge and the Parliament rather than subvert the principles of our Government, by a prostitution of virtue, and a perversion of the Legislature.

To prevent the error committed in the case of Wilkes, for which he recovered heavy damages, and by which^o
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Lord C. J. Camden acquired immortality. Mr. Secretary Dundas was pleased to say—"to avoid all doubts of the legality of my warrant of apprehension, "I assure the House that it was granted "on *information* for the seizure of papers "containing treasonable matter." Does that pretence constitute the legality, and invest the executive with civil power contrary to the law, and in violation of the Constitution? Upon the invention of such an information, and under such a pretence, every person in opposition to Ministers, might be suspected and arrested, upon the horrid principle of the French revolution. It was upon informations of this sort, that the most absolute Governments grounded their oppressions of the people; and it was a conduct of that sort which subverted the Government of France. God grant it may never produce the same revolutionary principles in this country! To that great end it is of the utmost consequence to oppose, with British spirit and Roman virtue, the exercise of an *inquisitorial* authority, from

from either the Executive Power called the Privy Council, or the Legislative Power of the House of Commons.

The greatest enemy to our Government could not have suggested a more insidious measure than that adopted to issue WARRANTS from the Secretary of State. Such an arbitrary system of coercion by *information* and *arrest*, establishes a dreadful INQUISITION in a free state, more congenial to the Russian than the British Nation; and, by consequence, an absolute Government, tending not to prevent, but to force and justify the revolutionary principles of France. It alarms and arms the people against our happy establishments in Church and State: It forces them into a state of resistance in defence of their persons, their literary property, their laws and their constitutional authorities: It is a bold measure in contempt and defiance of the Law; and is acknowledged by Ministers themselves, to be as illegal as it is unconstitutional, by bringing in an
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ex post facto Law to make it legal. It is a renewal of the horrid principles and daring authority of the Court of STAR CHAMBER:

A justification of the Author of "Thoughts on the English Government," has furnished me with so much matter, that I am at a loss for a selection. I am afraid of saying too much from its redundancy, or too little injustice to so curious a subject. It is said that the Constitution is secretly attacked (for it is not done openly in the manner of Paine) and undermined by this Writer; and as it is the boast of Englishmen, that "it can never die," it should be equally their pride to defend it. But, for the purpose of defence, we must consider in what manner it has been attacked, and in what part it is vulnerable. The Constitution is in every body's mouth, and such are supposed to be its noble principles and happy effects, that those who know nothing about it have the same admiration and veneration for it, as those who

who are intimately acquainted with it. It is taken for granted that the Constitution of a Free State, which has cost our ancestors so much blood and treasure, and which is founded on the virtue and wisdom of ages, is as glorious as the sun, and as perfect as the human mind can make it. But as perfection is not to be found, and as infallibility is not the lot of human nature, this system of English Government is subject, like all other things under the sun, to decay by departing from its original purity, and requiring a serious consideration, how far the Constitution like the Law, will admit of alteration?

As an Englishman I do homage to the virtue and wisdom of our ancestors for framing our system of Government, but I contend, that either the luxury which pervades this Nation has perverted it, or our experience of its effects from the sectarism of a Free State shews the necessity of its improvement. Of its perversion I have given melancholy instances from the
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conduct of Parliament; and of its improvement I will, after the manner of our delicate and modest Author, gently offer a speculative opinion, and respectfully leave it to the judgement of the public, whose candor and liberality of sentiment I very much admire.

The Constitution of this Country, like all other human institutions, is to be admired, not for its name of King, Lords, and Commons, in which there is nothing supernatural, but for its principles and the happy effects they produce. If these effects are such as were intended by the system of Government adopted by this Nation, then it should be the idol of our admiration, and it would be sacrilege to rob it of any part of the credit due to so much public virtue and national wisdom: But if experience, the parent of wisdom, teaches that the effects are inadequate to the great designs of a good Government, then it will be admitted *una voce* that either the perversion should be reformed or the defect supplied. Al-

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though the perversion and defect of the Constitution, or Government of this Country, are words of great extent, I will slightly glance at the means of removing the one and supplying the other: But this will be only a speculative and harmless opinion, like that of my Author, which is respectfully submitted to better judges, and for which I claim a constitutional right for myself and for that masterly writer, and indeed for every subject of a Free State, and which inherent right, congenial with the principles of our Government, I will continue to exercise unawed by the threats of any usurped power whatever.

Our Constitution is beautifully compared by our Author to a majestic Oak, whose durability, utility, and beauty are so justly our admiration and our boast. But, alas! notwithstanding its remarkable durability, its unparelled utility, and its matchless beauty, it has the lot of human nature, which is neither immortal or infallible. Its beautiful branches will
decay

decay and it will be necessary to lop them off, either to strengthen or preserve the trunk. Such is the nature and such the effects of our Constitution! The Constitution of the body politic is like that of the body natural: Equally subject to the effects of Time, they are liable to the same disorders, and as the one is subject to amputation, so is the other to mutilation. The most violent Enemies (and violent they have been) of my Author have admitted the truth and beauty of the comparison. They loudly call for a Reform of Parliament, which shews that the Constitution is perverted or there would be no occasion to reform it. If they admit of the abuse of their own power, with what propriety can they blame other men for being of the same opinion? It is that perversion or abuse, call it which you please, that renders the system imperfect and the effect inadequate. If that imperfection is generally admitted the difference of opinion is only in the means of reformation. I have as much right as any man to give

an opinion on reforming the Constitution as Party-men on the reform of any one branch of it. Upon this subject, so important to a free Nation, the Sentiments of a Free and enlightened people will be as different as their complexions; and yet they have an equal right of thinking and of giving a speculative opinion provided it does not injure the established Government, which injury (not allowed by any Government) is produced by positive and bold assertions like those of Paine and other avowed Enemies, and not by speculative opinions of the best friends to the Laws and to the Constitution.

The Gentleman-like Author of this much abused Pamphlet, seems to prefer a monarchical Government, which is the Government of this Country, and so do I. I do not *say*, as that able Writer seems to *think*, that I prefer a Government that is purely monarchical, but I contend that he has a right to admire it if it strikes his mind to be the best system of Government,

ment. It is evident that he is unfriendly to a Republican Government, and therefore he cannot be accused, like some great men in Parliament that I have in my eye, of being an Advocate for the present mad system of Equality and Fraternity, that threatens the total overthrow of our Constitution. If he is blameable for inclining rather too much to unlimited monarchy, they are criminal for daringly espousing the cause of democracy, and endangering that constitutional system of Government which they so much affect to admire,

I endeavour to avoid these extremes by contending for a Government that is neither one or the other. A system that is not totally monarchical or republican, but a limited Monarchy consisting of both. Neither absolute monarchy or a Government purely republican is congenial to the Genius of this Nation, or conducive to its true interest. It must be a mixed Government that happily combines the dignity and efficacy of the monarchical

narchical, with the principles of the Republican, and is called a Monarchy regulated by Laws, to distinguish it from an absolute Monarchy, acting from the will of the Sovereign. This is my humble opinion, other men have a right to the opinion that most forcibly strikes their minds, without the imputation of being unfriendly to our Government, or to the privileges of any one branch of the Legislature, commonly called the Constitution.

When our Ancestors gave us a Constitution, founded on the concurrence and co-operation of three Branches, and called them King, Lords, and Commons, if they wished to render the principles of their system eternal, they did not expect the forms, like the spirit, to be immutable. If the noble principles are preserved, and the happy effects are produced, I think it is immaterial, what name or shape it takes. I am a great admirer of the dignity, the energy, and effect of monarchical Government; and not with-
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standing the dreadful examples we have had of its abuse, I should prefer a Government intirely monarchical, could we always be sure of such an excellent Monarch as now adorns the Throne, and such a Ministry as now so ably conducts the affairs of this Nation: But as these blessings are uncertain, the Genius and the interest of this country require a mixed Government, or a monarchy limited by the Laws of the Land. This conclusion leads me from the favourite idea of my modest Author to my own opinion of a limited Monarchy.

Luxury, which like a torrent, pervades Europe; Luxury which is both a great blessing and a great curse (a blessing to a manufacturing Nation by its industry, and a curse by perverting the Constitution and the Law) has had a manifest effect upon our system of Government. Can it then be wondered that this Constitution, which is sapped by luxury, the parent of corruption and prostitution, should be compared by ingenious men to
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the royal oak, whose beautiful branches are decayed by time, and lopped off by necessity? This ingenious comparison, which is as modest as it is true, does not, in the least, attack the privileges of any one branch of our Constitution. He may say, with his amiable Sovereign, *Honi soit qui mal y pense*. But had he said that the branches of the Constitution, like those of a Tree, should be lopped off whenever they become corrupt or useless, he would have said a truth, strictly within the right given him by the Constitution, and the Law; since it does not affect the Government nor violate the Law. I am so much convinced that Englishmen possess this natural and constitutional right to advance a speculative opinion, that, even under the persecution of the Author of "Thoughts on the English Government," I will venture to deliver my opinion upon a system most congenial to the temper, and most conducive to the interest of this commercial Nation.

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I have said that I admire a well-judged union between a monarchical and a republican system of Government, in which the dignity and efficiency of the one is founded on the principles and energy of the other, to the end that the supremacy of the Crown may be conducive to the true happiness of the people: For the felicity of the subject is the true interest of the Monarch. The dignity of the one is inseparable from the prosperity of the other. This I am confident is the opinion of our incomparable Sovereign, and the opinion also of his excellent Ministers.

Should TIME produce an alteration in our Constitution (for Time changes all things) I apprehend it will be in the aristocratic branch. That is the branch which I think can be best dispensed with, consistent with the principles of a mixed Government and the purity of national liberty. The aristocracy may be considered more as the appendage of Monarchy than as a distinct branch of the

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Constitution.

Constitution. Peers are the Creatures and generally the *echo* of Sovereignty. It is no solecism to say it is the very creature of its Creator. If ever Peers are in opposition it is because their ambition is not sufficiently gratified. Titles, Ribbands, Feathers and Toys, often inspire the virtue and animate the wisdom of this branch of the English Government. It consists of two parts, spiritual and temporal, equally eager to gratify their ambition and venality. Aristocracy is the bane of every Monarchy, and a libel on the equal rights and liberty of this Nation: The ambition and the imperious influence of this order are the greatest misfortunes of a free State. Aristocracy is not congenial to liberty. In my apprehension that branch of the Constitution may be well spared without any injury to our system of Government; which I contend will be more perfect by lopping off the great source of national corruption and political prostitution, which, like the pestilence, infects the democratic order, and threatens, by its ambition

ambition and overbearing influence on the legislative and executive powers, to rouse the people to constitutional resistance.

Aristocracy is a *privileged* order incompatible with a free State, in which the Nobles and the dignified Clergy have more influence than is consistent with national liberty and the public interest. Aristocracy is incompatible with the rights and interests of mankind. It is a scourge to the subjects of arbitrary Governments, and the greatest evil in a free Nation. Indeed it is a description of men that offers an indignity to civilized human nature, and a gross insult to Liberty. If its proud distinction insults our understandings and our feelings, its effects upon Government offer a still greater insult to the wisdom, the spirit, and liberty of the Age. What are the greatest curses in all arbitrary Governments? Aristocracy and the dignified Clergy. What occasioned the Revolution in France? Aristocracy and the dignified Clergy.

clergy. What is the greatest solecism in the British Government? The privileged order of Aristocracy, consisting of the Nobles and the dignified Clergy. A *Legislative* Aristocracy is the greatest solecism in a Nation distinguished for civil Liberty. Mankind are well acquainted with Monarchical and Republican Government, but Aristocratical principles are a sort of policy repugnant to both. It will be said that Aristocracy in a free State is not a distinct power over the people (or the Government of the Nobles) but wisely bounded on the one side by the monarchical, and on the other side by the democratical part of our Constitution. Admitted; and *so far* if it did not do much good it might not do much mischief. But the misfortune is its influence exceeds its bounds, absorbs the democracy in the vortex of its all-powerful effects, and occasions all the evils which arise from ambition, luxury, corruption, and prostitution. The blessings of a wise Monarchy are like the inundation of the Nile that manures and fertilises the land; but

but the calamitous pride of Aristocracy is like the overflowing of great rivers that wash away the farmers toil and sterilize the land.

The powerful ascendency in Church and State of this proud Order of the Nation (which insults human nature and degrades the human understanding by an imperious superiority) may one day or other render it necessary to lop off the aristocratic branch of the Legislature, which I am persuaded can be done without any injury to our Constitution, but on the contrary, with the greatest consistency and advantage to our limited Monarchy, which will continue a mixed Government by dividing it equally between the regal and democratic powers, a system that will have more energy and a happier effect. The Aristocracy is only necessary to the influence of the Crown, and to the gratification of their own ambition. In its legislative capacity its authority is nominal depending on the pleasure of its Creator. A Ribband, or
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the distinction of a title will gratify aristocratic ambition, influence their conduct, and decide the fate of this Nation, and perhaps of Europe.

The Aristocratic branch of our Constitution possesses a judicial authority not in the first instance as a Court of Law, but by appeal as a Court of Equity. This power may be as safely lodged with the democratic as with the aristocratic part of Government, and perhaps with a better effect, inasmuch as it may reasonably be supposed that a great number in one House possess a greater share of wisdom and virtue than a smaller number in the other House of Parliament,

Should the utility of Aristocracy in a free State be insisted upon, I would ask in what does it consist? Does it give efficacy to our Laws or energy to our Government? It is in rank the second order, but it is the mere *echo* of the first. Nor do I scruple to say that Aristocracy is not a blessing to any Government. It is not congenial

congenial to a system of liberty. Its influence over the people's share of the Constitution is the cause of all those evils which require a *reform* in that branch of the Legislature, and which may go near to subvert the Constitution.

The following are a few of the many instances of this truth. "The Duke of Norfolk has now purchased as many Burgage Tenures as give him a majority over Lady Irwin at Horsham: The whole number which gives the right of Election for this Borough is twenty-five."

The Duke of Devonshire influences the return of one member for the County, and one for the town of Derby, and nominates two for the manufacturing town of Knaresborough, where the right of election is in the Burgage-holds, and the Burgage-holds, eighty-eight in number, belong all to the Duke.

The Duke of Marlborough carries
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one for the County and another for the City of Oxford, nominates one for the Village of Heytesbury, where the fifty Burgage-holds which have the right of Election are the moiety of them, the property of his Grace; and the other moiety the property of Mr. A'Court. His Grace has also the nomination of two more representatives for the Manor of Woodstock.

The Duke of Rutland is a minor, and his Election interest, for the present, is managed by his guardians, Mr. Pitt and the Duke of Beaufort.

Bramber, in Suffex, which place consists of eighteen thatched houses at the bottom of a street, the top of which is another Borough, called Steyning, which together send four members to represent the people. Steyning belongs half to the Duke of Norfolk, and half to Sir John Honeywood. Bramber is half the property of the Duke of Rutland, and the other half belongs to Sir Henry Calthorpe.

thorpe. Grantham and Newark, which each send one under the same influence, make it eight. This is a number equalled only by Lord Lonsdale, and exceeded only by the Duke of Norfolk.

These are only a few of the many instances of the ascendancy, nay, of the sovereign power of the Aristocracy over the Democracy. And when we consider the vast influence of the whole Body of Peers and also of the Executive Power, may we not say that the Representatives of the People are more properly the Representatives of their political Creators? And may we not, with equal truth, say that one House of Parliament dependent on the Crown, and the other dependent on the Peers, form together a strange sort of popular Representation? A representation which discovers a great defect in the principle of the popular part of our Government, and as great a cause of resistance to the alarming power assumed by the House of Commons, not congenial to the delegation of an authority

rity which is intirely legislative. The
 functions of every Branch of the Legisla-
 ture are highly respectable, and should
 ever be considered with the homage
 which national authority requires, to
 produce the energy and happy effects of
 Government; but whenever those functi-
 ons are perverted or abused, by assuming
 an authority incompatible with legisla-
 tion, they lose the respect that is so
 necessary to the dignity and energy of
 Government. The ascendancy of the se-
 cond over the third Estate of the King-
 dom through their rank and landed pro-
 perty, and the powerful interest it gives
 them in the Nation, places the rest of
 the people at so great a distance as may
 one day rouse them to a just sense of the
 vast inequality of their condition. The
 luxury of this imperious order, and the
Vassallage of the industrious and most nu-
 merous part of a manufacturing Nation
 is thus emphatically and truly described:
 "The Lord *within* sits in state, revelling,
 "banqueting and tantalizing the palled
 "appetite; while the wretch *without*, re-
 pulsed

“pulsed, insulted, and refused his due,
“is perhaps perishing with hunger.”

Should what I have said put me under the displeasure of the House of Lords, I shall not be convinced by any threats that I am disorderly; nor shall I, like the dastardly witnesses examined by the House of Commons, rashly surrender the rights of my fellow-subjects, by acknowledging the inquisitorial capacity of Parliament, and answering to any interrogatories: This fidelity is what I owe to myself, to my Country, and to the Laws, or to the Judicial Power, to which alone every offender is amenable.

Although I wish to see such a Reform as shall divide the Constitution between the regal and democratic powers, forming a mixed Government, partly monarchical and partly republican, I am far from meaning that the democratic branch of the Legislature does not want reform. Luxury, ambition and venality, have not sown the seeds of corruption and prostitution

tution in one branch only. Nothing can
 so effectually reform this branch, which is
 inseparable from the *limited* monarchy of a
 Free State, as lopping off the other which
 has so great an influence over it, and so
 lordly a power over the landed property and
 interest of the Nation. Placemen must
 ever hold their rank in the Legislature
 as the best acquainted with the various
 branches of Executive Government. Ad-
 mitting their conduct to be influenced by
 their places, it is a defect that seems to
 be inevitable. The same may be said of
 Contractors. These are evils natural to
 a great commercial State, and inseparable
 from the best Government. The only
 class of men that I would exclude, is
 the race of Lawyers, who, like the Locusts
 in Egypt, that ate up every green thing,
 devour the Constitution. The influence
 of this part of the public is truly alarm-
 ing, and we are absolutely as much Law-
 ridden, as the most bigotted Catholic
 country is Priest-ridden. Employed to
 every purpose, and adopting every prin-
 ciple conducive to their venality, they
 substitute

substitute the practice of the Old Bailey for the principles of the Constitution, and prostituting their legislative like their judicial opinions for the purposes of ambition and venality, they poison the springs of the Legislature, and make the Laws a terror to the people. The disqualification of this venal and unabashed class of men, and the admission of the Clerical order, seems to be the only reform necessary to the House of Commons. Whether representation be for seven or three years, it will be immaterial whenever the influence of Aristocracy and the ascendancy of Lawyers are removed. I do therefore most heartily wish for a total extinction of the humiliating and vast influence of the aristocracy and the dignified clergy, and the disqualification of Lawyers in the House of Commons.

It is truly said, that "Lawyers twist words and meanings as they please." The conduct of Mr. Erskine illustrates this truth. The Hon. Gentleman, who is so much admired for his legal talents,
is

is the first to violate the Law which he is supposed to understand so well. As Chairman of the Whig-Club, he has been the first to violate, in the most public manner, the Act against seditious assemblies, tending to misguide the people, and endanger His Majesty's Government. The publication of their design is an act of hostility against the statute intended for the suppression of such Associations. I appeal to Mr. Erskine, who so well understands the Law, whether his conduct and that of his associates, are not in defiance of the Act, and a manifest violation of it. For instance: "Resolved that it is the opinion of this Meeting, that an Association should be forthwith formed for the purpose of procuring, by all *legal* means, the repeal of the Acts described; and of *restoring* to the subjects of this Country, the full benefit of the provisions in the "BILL of RIGHTS." This contains a false charge against Government; a false alarm to the public; and a false method of redress. As an eminent lawyer, the

Hon.

Hon. Gentleman knows that such Associations are become illegal, and consequently they cannot be the legal means of redress. They are directly in the teeth of the Act, and the idea of restoring the rights of the people, implies their being wrested from them by the Legislature, a charge which the Parliament will not admit. The only legal means of procuring the repeal of an Act which is supposed to trench on the rights of the people, is through the channel of the Constituent branch of the public, and not through Associations which are declared illegal.

Such is my opinion of the impropriety and illegality of these rash means of stirring up the people, against the necessary measures of Government for the public security at a very dangerous period, that were I in the Commission of the Peace for Middlesex, where the Association is held, I should think it a duty I owe to the Laws and to the Peace of my Country, to apprehend every person who
called

called the Meeting contrary to Law, and in defiance of the statute, without distinction, for it is a distinguishing feature of His Majesty's Government, and the peculiar happiness of a free people, that the highest equally with the lowest ranks of society, are amenable to the judicial authority for offences against the law.

To close my remarks on the Pamphlet entitled "Thoughts on the English Government," which is a well-timed and judicious appeal to "the quiet GOOD SENSE of the British Nation;" I contend that the context will not justify the conclusion drawn by his accusers of his evil intentions to the Constitution. But admitting the facts were stated with a manifest design to apply them against the two Houses of Parliament; what is the nature of the Author's crime, and what is the authority of Parliament in this case? Has he injured any one branch of the Legislature to weaken the Government, or has he violated any Law? Will any man say that the speculative opinion
of

of an historical writer, both inconclusive and harmless, is a Libel on the two branches of the Constitution called the Parliament, or that it is a Libel on the Revolution which is an imaginary thing ?

Suppose the writer means that the *three* Estates of the Kingdom might be compressed into *one*, without any injury to the energy and efficacy of Government, is there any crime against the Law of the Land in advancing such a speculative opinion? He does not say, in the manner of Paine, that it *should* be, or *must* be, as necessary to the best Government; but that it *might* be without any injury to this Government. But supposing his opinion of our Constitution contained all the culpability and criminality which have been discovered by certain Statesmen, who feel sore, what authority have the two Houses of Parliament over this reputed literary criminal? Does the House of Commons, as a part of the Legislature, possess an inquisitorial capacity to erect itself into a
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political Tribunal in the manner of a Catholic Inquisition, or the House of Lords a judicial capacity to sit in judgement on the accusation of this Heretical Inquisition? Certainly not. Then *cui bono?*

I have repeatedly observed, without fear of contradiction, that the two branches are purely legislative, except in cases of appeal when the Lords exercise a judicial authority, but the power of the Commons is totally legislative in all cases whatsoever. Whenever they erect themselves into an Inquisition and examine witnesses at their usurped Tribunal, on which to ground a charge against His Majesty's Subjects, they abuse their legislative authority, as in the present case, and violate the Constitution infinitely more than the Author of "Thoughts on the English Government."

"The power of the Commons, it must be confessed, is at present much more considerable than in former reigns; and
it

it appears from Henry Eighth's application to the Barons for a supply, that he did not consider the Commons as the *sole* Representatives of the people." Whether this was a mark of Royal displeasure against the one House, or of greater confidence in the other, the application was as impolitic as it was wrong. But notwithstanding the propriety of Money Bills originating with the House of Commons it is no proof of an exclusive and sole right to that greatest of all Acts, namely the granting supplies to the King for the purposes of Executive Government. It should seem from the name of Parliament, and its sitting in two different houses or distinct chambers, as a check on each other (for that is the great object of a mixed Government) that they are equally a representative power and have equal rights in every measure of Legislation, that of granting supplies for the public service in particular, as being of the most consequence,

From what cause the Commons have

so considerably increased their power, or upon what principle it is maintained I cannot conceive; since both the sovereign power it exercises in the above instance, and its assumed inquisitorial capacity are unwarrantable, and subversive of the Constitution, by destroying that equipoise or nice *equilibrium* which is the beauty of our mixed Government. But whatever was the original design of Parliaments, or whatever is at present the principle of the two branches of the Legislature, it is manifest that our Government is monarchical and will probably continue such, though the constitutional Tree should be shorn of its branches; because Monarchy is a system of Government most congenial to the temper and spirit of the people, and most conducive to the dignity and interest of this Nation.

In defending this Author; I appeal to God for the purity of my intentions, and to my Country for the truth of my remarks. The Writings of Paine were founded on ignorance and malice to our Government;

Government: they were like the pestilence to our Constitution. They were a bare-faced attack, tending to occasion a Revolution for the total overthrow of our Government. The writings of this well-informed Author are of a different nature, tending to produce a contrary effect by promoting the best purposes of His Majesty's Government. He neither attacks the Constitution or violates the Law. In the most exceptionable passage of the production, he only glances at an idea that is not half so exceptionable as the speculative opinions of the Duke of Richmond and Mr. Pitt, which were bold and radical innovations. I am as warm an advocate as any man for the necessary dignity of authority, but let me tell the House of Commons that their privileges are of a legislative and not of a judicial nature. Whenever the people are supposed to offend, so as to affect the Government of their Country, the Executive Power, by an appeal to the Judicial Authority, will make them amenable to the Laws of the Land, to be dealt with according

according to the nature of the offence in the judgement of their Peers, and not in the judgement of either of the two Houses of Parliament.

Our Constitution is a mighty convenient thing, it being equally the hobby-horse of Friends and Foes; The Executive Power is jealous of the Constitution; the Parliament is jealous of the Constitution; and the People are jealous of the Constitution. Surely this Constitution must have singular principles and heterogeneous properties that Friends and Foes should rally round it! The Parliament, tenacious of their share of the Constitution, complain of a breach of their privileges and proceed to pronounce judgement in their own cause!!! In the manner of an arbitrary Tribunal they are Judges and Jury in their own case. They forget, that according to the Laws, *they* have made, they must shew what their privileges are, and in what manner they are affected. This is all that concerns the House of Commons; For should it
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be deemed by the Laws of the Land (through the Judicial Authority) to be a scandalous and seditious Libel on the Government of this Country, tending to alienate the affections of His Majesty's subjects, and to subvert the true principles of the Constitution, the Parliament has nothing to do with the crime. I have just observed, that whenever the Constitution is libelled, Executive Government will appeal to the Laws, and make the offender amenable to the Judicial Power, and not to the Legislative Authority of Parliament. The pre-examination and pre-judgement of the House of Commons is contrary to the principles and practice of the Courts of Law, a violation of the rights of the people, and a high breach of the privileges of the Judicial Authority to which the case exclusively belongs.

There are indeed instances in which our Constitution has been attacked, and it became necessary to repel the attack for the dignity of Government; but that was done according to Law by the Judicial Power.

Power. The Commons may suppose an Author guilty of a breach of their privileges and censure him for it, but they have no right to pronounce him guilty of “a scandalous and seditious Libel, tending to alienate the affections of the people from His Majesty’s Government and subvert the Constitution;” a sentence which belongs entirely to the Judicial Authority: And as it is an high crime against Government, the charge, like other cases of sedition, should come from the Executive and not from the Legislative Power, and be brought into a Court of Law, and not before the House of Lords, as was first intended, and which is not right in any case whatever: It was not right in the case of Hastings, who, if amenable to any Court of Justice in Europe, was amenable to the Judicial Authority only in my apprehension.

If Parliament wish for an instance of sedition tending to alienate the affections of the people from His Majesty’s Person and Government, I have given them one in

in the conduct of Opposition in both Houses of Parliament, and I will repeat it. The conduct of the Duke of Bedford, in contending for the universal Rights of the People (like the universal Suffrage of the Duke of Richmond) to assemble and petition the Legislature, discovers great ignorance of our Constitution, by which the rights of the collective body are totally absorbed by the constituent part of the people: So that the invitation to rouse and render active the great mass of the people, is the most alarming attack on the Constitution, and the most dangerous resistance to Executive Government. The conduct of his Grace is a greater Libel on His Majesty's Government than that complained of by Mr. Sheridan. The conduct of the Earl of Albemarle in the case of the Author of "Thoughts on the English Government," though not equally culpable with his Grace, is equally erroneous and subversive of justice and liberty. His Lordship applying the most exceptionable passage, without considering the context, to the

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privileges

privileges of the aristocratic part of our Constitution, has pronounced it a Libel on that House of Parliament, and made a motion for that purpose which was very properly rejected, because, had the complaint been founded, it would have been inconsistent with every idea of justice, to pronounce judgement upon it in the very jurisdiction into which it was *expected* to be carried judicially. How could the accused expect justice when his case had been prejudged and decided against him, contrary to the principles and practice of every court of justice?

To conclude: That a pamphlet obviously written for the salutary purposes of good order in the very worst times, and manifestly calculated to produce that happy effect by co-operating with the strong but necessary measures of the Legislature; I say that such a production in defence of Government, should be pronounced by Parliament to be a seditious Libel is really astonishing, nay, it is a monstrous solecism. But instead of
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its being "a malicious, scandalous and
 "seditious Libel, to create jealousies and
 "and divisions among His Majesty's sub-
 "jects, to alienate their affections from
 "his Government and to subvert the
 "true principles of the Constitution," I
 have shewn that it is the REVERSE. I
 have shewn that it is a fine panegyric on
 His Majesty's Government founded on
 the true principles of our Constitution
 and Law, tending to cement the affecti-
 ons and respect of the People for His
 Majesty's Person and Government, and
 to destroy sedition and divisions by a tem-
 perate and judicious appeal to "the quiet
 GOOD SENSE of the Nation."

If it be a Libel or Treason it is against
 the immaculate Whig-Club and the hy-
 pocritical Sectaries in Church and State.
 No wonder then that the Members of
 that Club, in both Houses of Parliament,
 should move Heaven and Earth to accuse
 and condemn the Author *extrajudicially*:
 But it is a wonder indeed, that the Mi-
 nistry should be duped into their opinion

"of the new and sublime destiny that awaits
 "their fellow creatures," and be drawn in
 to co-operate with their worst enemies in
 their worst design.

I honor Mr. Sheridan for very properly moving, that a Pamphlet which so ably proves the hypocrisy of his party, and so happily exposes the seditious principles of his deluded adherents (which at this moment threaten the overthrow of His Majesty's Government) should be burnt by the common hangman; but Mr. Dundas is the first Minister of this Country, who ever proposed that the Author of an inimitable production, manifestly calculated to crush sedition at a dangerous period, (to whom he confessed the public were indebted for the peace and security which were now enjoyed in this Country) and to quiet the minds of the people for the best purposes of His Majesty's Government, should be prosecuted by Government, for a Libel on the *Jacobin* system of opposition!

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To acknowledge in Parliament the Author's great merit, at the most alarming period, and his great claim to the admiration of Government for so singular a service, which gives him a title to a recompence from His Majesty, and with the same breath for a Secretary of State to petition His Majesty to prosecute that very Author for a Pamphlet so useful to the purposes of Government, is indeed a monstrous solecism, and the greatest absurdity and injustice that ever was heard from the Executive Power of this Country. To prosecute your best Friend, upon a false charge, at the request of your worst Enemies, for the very great services done you to defeat their ruinous purposes, is a LIBEL on the virtue of the Legislature, and TREASON against the wisdom and justice of His Majesty's Government.

Happily for that Author and myself we live in the mild reign of one of our best Princes, whose public virtue is equal
to

to the righteous administration of *Titus*,
Nerva, *Trajan*, *Aurelius*, &c. of whose
 blessed time *Tacitus* says, with extacy,
Rara temporum felicitate, ubi sentire quæ velis,
Et quæ sentias dicere liceat,



APPENDIX.

APPENDIX.

HAVING kept back the press through the Recess of Parliament, it gives me an opportunity to take a little notice of one of the most extraordinary publications that I ever met with from a Statesman of Mr. Fox's splendid talents, great political experience, deep knowledge of our Constitution and Law, acute penetration and masterly judgement. After subscribing *ex animo* to the splendor of his talents, and doing him the justice to say, that much as I admire the sweetness and profusion of *Tully* in Mr. Pitt, I am charmed with the nerves, attic salt, and rapid eloquence of *Demosthenes* which distinguish this popular orator, sacred truth requires me to say that I am the more astonished at the impolitic production, in the proportion that I admit the brilliancy of his abilities, and

and the vast effect which his powerful exertions have produced on the public mind. I have been twenty years attentive to the persuasive eloquence of the Right Hon. Gentleman; and, as I am in the liberal habit of imputing the best motives to men in public stations, I give him credit for his good intentions; but that is, in the present and other instances, at the expence of his judgement: For he often maintains principles, which I will do him the justice to admit, he does not believe himself. Had I not known more of Mr. Fox than his present ill-judged and ill-timed publication, I should have thought him either an idiot or a madman: For none but an idiot or a man wrong in his head, would have published such a production, at such a period, in which this Country and all Europe, stake the existence of their Governments on the tranquillity of the People.

“The DECLARATION of the WHIG-CLUB,” (besides it being greatly to be lamented at this period in which all Nations are convulsed, and all Governments shaken to their foundations by similar declarations) is a declaration of Treason against the Constitution and the Law. “A society of men feel themselves bound to propose “a great national measure to the people.” If

Mr.

Mr. Fox has the face to say, he will not have the courage to shew, that any society or body of men whatever have a right, from the Constitution, to propose such a measure. Were this right admitted, it would not only destroy the exclusive right of the Constituent body to petition, but it would subvert the Legislative and Executive Powers of the State. He has the candor to confess "the measure is unusual, because it can be justified by no ordinary circumstances;" nor, I will add, upon any principle known to the Constitution and Law of this Country. The attempt is, therefore, congenial to the French revolution; and as it can be justified upon no other principle, the contagion should be resisted as early and with as much care, as we would guard against the introduction of the pestilence.

"We think the situation of this Country no longer permits us to confide the support of our principles, to the individual exertions of our Members." *Risum teneatis amici!* Who are *we* and *us*? Do the principles which they are unwilling to trust, proceed from any body of His Majesty's Subjects known to our Constitution? The man who can write in this manner must, to borrow an expression of the great Mansfield, be "wrong in his head." "The Whig-Club in-
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“variably adhering to the principles of the
 “British Constitution, as established at the Revo-
 “lution, cannot be *unconcerned* spectators of the
 “destruction of the most important securities of
 “public liberty, which were provided at that
 “glorious *era*.” Good God! Is it possible that
 a Statesman of Mr. Fox’s rank can be guilty of
 such an expression, as “unconcerned spectators?”
 Is he aware of the magnitude and tendency of the
 expression? Of the effect it may produce, under
 the critical circumstances of our Country, on the
 minds of the public to the injury of Govern-
 ment? The Author of “Thoughts on the Eng-
 lish Government” has shewn, with great ability
 and perspicuity, the true principles and designs,
 from time to time, of the Whig-Club; and has,
 in a happy stile, exposed the folly of those who
 pin their political faith on the duplicity and ver-
 fatility of Party. He has happily ridiculed the
 principles supposed to be established at the glo-
 rious æra of the Revolution, from the clearest
 evidence, that this Nation had no Revolution
 at all in 1688, or at any subsequent *epochæ*. To
 this I have added, that the famous Bill of Rights,
 so often referred to with extacy, as a vast acqui-
 sition of liberty, was only an *explanatory* Bill of
 Rights inherent in our Government, either not so
 clearly explained or so fully understood before,
 but

but no real addition to civil liberty. As explanatory acts are sometimes necessary to the better understanding of our Laws, so this definition of the Constitution was found necessary to the clear comprehension and satisfaction of the people, who have ever since thought it a vast security of their rights; derived from a Revolution which absolutely had not the shadow of existence.

The Whig-Club, therefore, founding its principles upon an imaginary event must, as a necessary consequence, maintain principles as visionary as its foundation, and as delusive; and therefore it became necessary, from time to time, to cajole that part of the public, who look no further than the surface of pompous political professions. The present is an instance of this truth, so palpable and so gross, that I think it offers the greatest insult to the virtue as well as to the understanding of the Nation. Mr. Fox says "the Whig-Club cannot be unconcerned spectators of the destruction of the most important securities of public liberty." If this means any thing, it is that they are armed and invite the people to arm themselves, in the language of the French revolution, to make a stand against "the destruction of the most important securities of Civil Liberty."

The orator would have dealt fairly with Executive Government if he had shewn what important securities he alluded to, and in what manner they have been destroyed; since it does not appear, from any thing he has said of the Bills lately enacted, nor indeed can it be believed from their receiving the approbation of so great a part of the Legislature, and the concurrence of the *real sense* of the Nation. Without such a demonstration the charge must appear malicious, and seditious, tending to criminate the conduct of Parliament, to destroy the confidence of the people, and to alienate their affections from His Majesty's Government. I am as bold as I am happy to say, without fear of contradiction, that this heavy charge, so unjust in its nature, and so impolitic and dangerous, at this period, in its operation on the minds of the public, has not the least foundation in truth; nor any existence but in the principles and views of party, to perplex the Legislative and Executive Powers of the Nation, at a time in which every heart should wish, and every head endeavor to give energy and effect to His Majesty's Government.

“ The destruction of the most important securities of public liberty” is an untruth, that conveys the severest reflection and indeed the heaviest

heaviest charge on the much-admired reign of our most amiable Sovereign, who is equal in private goodness and in public virtue to the most celebrated of the Roman Princes. I have observed, with extacy, that the principles of religious and civil Liberty have been better understood, and, by consequence, better secured by the illustrious House of Hanover than by any former Princes who have sat upon the Throne of this Kingdom. The groundless charge, therefore, does the greatest injustice to the mild and happy reign of a Monarch, whose splendid virtues exalt human nature, and whose invariable and exemplary regard for true Religion and substantial Justice, deserves immortality. By modestly defending the character of this illustrious Prince, I mean to pay a just tribute of praise to his Ministers for advising His Majesty to measures which are so far from "destroying the most important securities of the Nation," that they have given the best security to the liberty and property of the subject, by preventing a political contagion that would have brought upon this country, all the terror and calamity that have distressed France and endangered all Europe.

"The Constitution can," in the judgement of Mr. Fox and his adherents, "now only be

"restored"

“restored by the exercise of that just authority,
 “which the national opinion must ever possess,
 “over the proceedings of the Legislature.” But
 I maintain there is no occasion to *restore* a Consti-
 tution which I have shewn has not been violated,
 and which, I may venture to say, will never be
 violated by the illustrious Family on the Throne;
 It has, at least, the greatest security at present
 in the Virtues of the Sovereign and the wisdom
 of His Majesty’s Ministers. But were we to
 suppose it violated and our liberties in danger,
 “the exercise of an authority, which the nati-
 “onal opinion must always possess, over the
 “proceedings of the Legislature,” is an authority
 that only exists in the distempered imagination
 of Party-men, who are ever in opposition to the
 measures of Government, right or wrong, and
 who would have no political consequence with-
 out throwing obstacles in the way of Administra-
 tion.

The opinion of the real Public will ever have
 great weight with both the legislative and execu-
 tive powers of the Nation, when that opinion is
 known through the constituent part of the pub-
 lic; but the voice of the multitude, or the collect-
 tive body, is not the *vox populi*. The great
 mass of the people, I have shewn, have no poli-
 tical

tical existence, their rights in the Constitution being absorbed by the constituent Authority; and, by consequence, they have no rights to be considered as the national opinion to influence the proceedings of Parliament; which indeed can never be influenced but by the wisdom and moderation of the elective body of the people, constitutionally assembled in their various districts.

“ We therefore deem it our duty, by every means which are yet *legal* to appeal to the judgement of the people, and to procure a declaration of their opinion.” Can Mr. Fox, who has been so long acquainted with the principles of our Government, put his hand to his breast and say that it is his duty, as a Representative of the People and a Guardian of our Constitution, to appeal to the judgement of the People at large, who have no political judgement, because they possess no right to exercise an opinion but through the channel of the constituent body? Can the Right Honorable Gentleman, faithful to a great public trust, rouse the great mass of the people to give an opinion on the conduct of the Legislative and Executive Powers, with which they have nothing to do, and with which they cannot interfere without the greatest danger to our Government? Mr. Fox here mistakes his duty, which

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consists

consists in explaining in Parliament the true principles of the Constitution and the true interest of the Nation, and not in collecting the opinion of the Multitude for the rule of his conduct.

“ With this view we have invited our fellow subjects to *associate* for obtaining the repeal of “ two acts passed in the present Session of Parliament.” In any other man than Mr. Fox this alarming invitation, upon the principle of the French Revolution, would denote great ignorance of our Constitution and our Law; since it is manifestly contrary to the exclusive right of the constituent part of the people to assemble in their several districts, and in violation of the said acts made for the prevention of such unnecessary, unconstitutional, and dangerous Associations; tending to rouse the passions and prejudices of the Public against the necessary and well-judged measures of Government, and; by consequence, against the peace and security of the Nation.

But supposing the Law objected to was really “ repugnant to the genius and character of this free Nation,” Mr. Fox certainly takes the most illegal, unconstitutional, and ineffectual method to procure the repeal, which should be effected through the proper application and well-weighed opinion

opinion of the real Public, and not from the interested motives of Party, or the strong passions of the Multitude, which will never have any weight with a wise Government.

Mr. Fox says "the ruling principle of our Constitution is the right of the people to manifest their opinions on great public concerns without which the forms of a free Constitution are worthless." It is indeed a great, a glorious principle of a free people to manifest their opinions on civil Liberty, but it is the wisest principle of our Constitution to confide the exercise of that right, on the measures of Government, to that part of the people called the constituent body, who are the Representatives of the great body of the public. It would therefore be as unconstitutional as illegal for any other part of the People to manifest their opinions on the measures of His Majesty's Ministers, in whom the Public at large place all the confidence that is due to the virtues and wisdom of the Sovereign, and a better than the present never reigned to deserve that confidence of the Nation,

"No human wisdom can provide a safe-guard
 "against a possible combination of all the branches of
 "the Legislature to oppress or betray this Country,
 "but

"but by enabling the great body of the Nation
 "freely to pronounce their opinions on the acts
 "and measures of Government." "A *possible*
 "Combination of the whole Legislature to op-
 "press and betray the Nation" is as uncharitable
 and malicious as a positive combination would
 be monstrous, since there does not exist even
 the shadow or the probability of such a confede-
 racy, oppression, and treachery. God forbid there
 should be the color of truth in "a combination
 "of all the branches of the Legislature to op-
 "press and betray my Country!" Bad indeed
 must be the heart of that man who can conceive
 such an unjust Idea, and cruel must be the charge
 when coming from such an authority as Mr. Fox,
 to corrupt the minds of a deluded Multitude and
 arm their head-strong passions against His Ma-
 jesty's Government and against the peace, the
 prosperity and security of the Nation. But had
 such a heavy charge against "*all* the branches of
 "the Legislature," that of His Majesty not ex-
 cepted, any existence, the Constitution points
 out a better, a safer, and more effectual method
 than a dangerous appeal, like that of France, to
 the great mass of the people to reform the Go-
 vernment.

"The great Statesmen and Lawyers, who
 "framed

“ framed the DECLARATION of RIGHTS, when
 “ they asserted the right of the people to petition,
 “ did, by a necessary implication, also assert
 “ their right of *assembling* to consider such matters
 “ as might legally be the subject of petition.”

On this vague passage is grounded all the error of Mr. Fox's doctrine, to hood-wink the people, and all the delusion of his Adherents. The right which the Public derive from the Constitution, as explained by the Bill of Rights, is no other than what is compatible with the Constitution itself; that is, the right of the constituent body *only* to petition the Parliament and the King, as the head of Executive Government. The Whig Club would be a Society of Idiots could they suppose that the right of *petitioning* and *assembling* was not confined to the constituent power, but extended, like the universal suffrage of the Duke of Richmond, to the great mass of the people; a principle that would tend to the subversion of the Constitution and the total overthrow of our Government.

It would introduce the reign of anarchy and confusion with the principles of robbery, injustice, and assassination, which have arisen from the horrid system of France, upon the ruin of our mild, beneficent, and just Government. The right

right of assembling is established upon the very same foundation as the right of petitioning: the principle that admits the one implies the other. And as the one is contracted, so is the other; by a tacit surrender of the rights of the collective body to the constituent part of the People, for the wise purposes of Legislation, and for the general purposes of the Nation at large. This is one of the wisest principles of our Constitution, because it is a barrier against the influence of anarchy and confusion. The People have equal rights to the blessings of their Constitution and Laws, and are universally represented. But to guard against the calamity of discord and confusion, the great Mass of the People tacitly, as a great and glorious principle of the Constitution, surrender their rights to the Constituent Body, who have an exclusive right of *electing*, of *petitioning*, and of *assembling*, at at the periods and in the manner, too long established, and too well known to be repeated: Here then is a refutation of all the false claims of popular rights arising from Mr. Fox's false construction of the Constitution.

“ We do not affirm that general principles are
 “ necessary in any degree to give way to the exi-
 “ gency of circumstances. But we assert that the
 “ right of discussion and remonstrance is so es-
 “ tial to the Constitution that it cannot be
 “ controuled

“ controuled or restrained without a surrender of
 “ the constitution itself.” This I readily admit,
 with this great distinction; that “ the discussion
 “ and remonstrance” do not come unconstitution-
 ally and illegally from the great body of the Peo-
 ple, to shake Government to its foundation; but
 constitutionally and legally from the constituent
 body, to which the general right is wisely surren-
 dered, as a security against popular phrenzy,
 and the dangerous passions of an ungovernable
 multitude.

“ We do not admit that the delinquency of in-
 “ dividuals ought to work a forfeiture of the liber-
 “ ties of a nation.” I am of the same opinion,
 and so I suppose are His Majesty’s Ministers. It
 was never, I believe, intended by them to produce
 that effect. But I admit that the delinquency of in-
 dividuals, at a dangerous period, ought to work on
 the wisdom of Government to provide a security
 against it, to prevent its becoming general, to sub-
 vert our Constitution, by which we should forfeit
 the liberty, the prosperity, and happiness we now
 enjoy under our excellent Government. And hence
 I maintain that Executive Government may, for
 a time, encroach somewhat on the rights of
 the subject, when it does not arise from a design
 to increase the influence of the Crown, but with a
 manifest

manifest view to the preservation of our Government and all the blessings we enjoy under it, by the best security of the liberties of the Nation. *Salus populi suprema lex.* Every man should, upon an emergency, sacrifice somewhat of his liberty to preserve the general interest, or the happiness and security of the whole.

To conclude: I never met with a production so uninteresting and imposing on the credulity of the public, and so unworthy of the constitutional knowledge and brilliant talents of Mr. Fox, as the "Declaration of the Whig-Club" with his name to it as Chairman. It is a rhapsody fitter for the stage, than either the senate or the public. It is not to be put in competition with the excellent Pamphlet entitled "Thoughts on the English Government," which is the ablest defence of our Government, and the happiest refutation of every word that has been advanced by Mr. Fox. The Author of that well-judged and well-timed production, merits the thanks of the Nation; and a distinction from His Majesty, for maintaining the true principles of his Government; while the Whig-Club deserve, at this interesting period, the strongest reprobation for violating the Constitution and the Law, by a general invitation to rouse the great mass of the public.

public, and arm their passions and prejudices against the Legislative and Executive powers of the Nation, to reduce this happy Country to the unhappy situation of France, which the Author of "Thoughts on the English Government" has virtuously endeavored to prevent, by a judicious and well-timed appeal, not to the passions of the head-strong multitude, but to "the quiet good sense of a spirited Nation," by which he shews, with great modesty and perspicuity, that the beauty of the Constitution consists in giving to His Majesty's Government their confidence and assistance to promote the best measures for their prosperity and security, and not in the alarming doctrines of party-men, to harass Government by an abuse of liberty, to alienate the affections of His Majesty's subjects from the wisdom of his reign, and from the true principles of the Constitution.

As this APPENDIX is written in a great hurry, I hope the good intention of the Author will plead his excuse with a candid and liberal Public. I am perhaps the more entitled to excuse, as I write from the purest motives, totally uninfluenced by every consideration but those of truth and public virtue. I profess myself a constitutional and disinterested writer, totally unconnected with men in

in power, and with party. I mean no defence of Ministers, but what arises from the necessity and the goodness of their measures in general. Influenced by a regard for the Constitution, that is, the true principles of our mild Government, I am necessarily an enemy to those who, for party purposes, undermine it by the delusion of false principles and groundless pretences. I am a volunteer in the defence of sacred truth and in the service of my country. No man has less reason than myself to be an advocate for the present Administration. But as I never, for a moment, put my own interest in competition with that of the Public, so I am zealous for all Ministers who, like the present, ably and happily promote the true principles of Government and the true interest of the nation.

Mine are indeed humble labours, but they have the merit of sincerity and disinterestedness. I ask no reward for the best intentions, to assist Executive Government at a period extremely alarming, nor to this country alone, but to all Europe, from the contagion of French principles; which, but for the wisdom of the best of Sovereigns, and the unshaken resolution of His Ministers, would have plunged every European Government in the dreadful calamity, which has convulsed and rent that unhappy country. If in any pas-
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sage of this production, the liberality of my compatriots, should think that I merit commendation for my zeal, modesty requires me to say, that if in any thing I shine, it is with borrowed light. The little merit that I may possess, is reflected from the great merit of the Author of Thoughts on the English Constitution, to whose superior claims on the munificence of his amiable Sovereign, and the liberality of his Country, I bow with reverence; and for whose eminent services to the Nation in the worst times, so candidly confessed in Parliament, I have the greatest confidence that the unjust design of a prosecution will be changed to the interposition of Ministers, that an honourable mark of His Majesty's approbation may be conferred on him, as an encouragement to that writer, and an example to others, to stem the tide of popular delusion that poisons the minds of the multitude, alienates their affections, and arms their passions with resistance, to convulse the Nation and overthrow His Majesty's Government.

This modest wish arises from a sense of his great merit, in many important instances, and of the great justice of ministers to their able and active Friend; totally disinterested on my part, as I have not the least knowledge of the Gentleman who is supposed to be the Author of that invaluable production, which I think ought to

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be written in characters of Gold; while that of Mr. Fox claims our pity for the perversion of our Constitution and the abuse of his splendid Talents for the worst of all purposes, namely, that of throwing great obstacles in the way of His Majesty's Government.

Much as I admire the splendid Talents of the Right Honorable Gentleman, and highly as I respect the public opinion in his favor, I am so much alarmed at the mischievous tendency of his rash and unnecessary conduct in the present situation of our domestic and foreign affairs, that, were I in the Commission of the Peace for Middlesex, I should not hesitate a moment to make Mr. Fox amenable to the judicial authority for "seditiously stirring up the people to resist the measures of Government, in violation of the Constitution, which has given an exclusive right to the Constituent part of the Nation, and in breach of the Peace." As we wisely guard against the apprehension of the Pestilence of the Body Natural, so the same wisdom teaches the necessity of the earliest precaution against the Contagion of the Body Politic. In the one case as in the other, there should be no respect of persons: The greater the power of infusing the poison the greater the reason for its prevention,

prevention. The unfounded and pestilent conduct of Mr. Fox, the Duke of Bedford, and Mr. Erskine in particular, deserve the earliest and severest reprehension of the Judicial Authority, to stop the torrent of delusion, and to prevent effects too dreadful to be described from the poison of this Political Contagion.

January 30, 1796.

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provision. The wounded and maimed
and of Mr. Fox, the Duke of Bedford, and
Buckingham in particular, and the earls and
nobles, and the whole of the British
to the king the king the king the king
effects not described in the
portion of this Political Collection.



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